



BERLIN MAYOR AND COUNCIL
Meeting Agenda

Berlin Town Hall
10 William Street
Monday, April 10, 2017

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.

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 03/27/17
 - b. Statement of Closure for Executive Session of 03/27/17
 - c. Regular Session of 03/27/17
2. Request for Funding:
 - a. The Cricket Center’s funding letter – Wendy Myers, Program Manager
 - b. Worcester County Commission on Aging – Rob Hart, Executive Director
3. Resolution 2017-03: prohibiting truck traffic on Baker St. – First Reading – Town Administrator, Laura Allen
4. Motion of Mayor and Council 2017-15: Motion requesting approval of the Baker Street Roadway Improvements Proposal for Design and Construction Phase Services – Town Administrator, Laura Allen
5. Motion of Mayor and Council 2017-16: Motion requesting the Deed of Dedication Purnell Crossing Community Association, Inc. and the Bond Reduction be accepted– Town Administrator, Laura Allen
6. Plans and Policies Required by Community Development Block Grant – Administrative Services Director, Mary Bohlen
7. Proclamation 2017-09: A Proclamation of the Mayor and Council of the Town of Berlin recognizing the week of April 22-29, 2017 as Take Pride in Berlin Week – Administrative Services Director, Mary Bohlen
8. Departmental Reports:
 - a. Finance Director – Natalie Saleh
 - b. Administrative Services Director – Mary Bohlen
 - c. Electric – Tim Lawrence
 - d. Lieutenant – Robert Fisher

- e. Planning – Dave Engelhart
- f. Economic and Community Development – Ivy Wells
- g. Managing Director – Jeff Fleetwood

9. Town Administrator's Report

10. Comments from the Mayor

11. Comments from the Council

12. Comments from the Public

13. Comments from the Press

14. Adjournment



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, March 27, 2017

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

Present: Mayor Gee Williams, Councilmembers Thom Gulyas, Zackery Tyndall, Elroy Brittingham, Troy Purnell.

Absent: Councilmember Dean Burrell.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services director Mary Bohlen, Water Resources/Public Works Director Jane Kreiter, Finance Director Natalie Saleh, Police Lieutenant Robert Fisher, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart and Administrative Assistant Kelsey Jensen.

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 03/13/17:

On the motion of Councilmember Gulyas, the Executive Session minutes of March 13, 2017 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>	4				1

b. Statement of Closure for Executive Session of 03/13/17:

Mayor Williams read the Statement of Closure.

c. Regular Session of 03/13/17:

On the motion of Councilmember Gulyas, the Regular Session Minutes of March 13, 2017 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>	4				1

2. Presentation: Nature Conservancy Spray Site Project Update – Mike Dryden
 Mike Dryden with The Nature Conservancy, presented information about the completed Nature Conservancy Spraysite Project. Councilmember Brittingham asked if there will be any future maintenance required for the project; he stated that they may have slight erosion, but will come out periodically to see how everything is holding up, they have also

installed geocells in heavier traffic areas to see how it holds. Mayor Williams asked how long this program has been around; he stated that it has been around for a long time. Mayor Williams asked if he could thank everyone involved in getting this project completed.

3. Special Event Request: Stevenson Church Memorial Day Service – Vincent Holloway and Jane King

Vincent Holloway and Jane King requested that the Mayor and Council approve their special event request for the Stevenson Church Memorial Day Service. Mayor Williams stated that it is a great event and to mark it in your calendars. Councilmember Tyndall asked if we can have an officer barricade to prevent any terrorism issues; Mayor Williams stated that we already do.

On the motion of Councilmember Brittingham, the special event request 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>	4				1

4. Motion 2017-14 – Motion regarding the electric service agreement with SonRise Church – Town Administrator, Laura Allen

Town Administrator, Laura Allen, advised that Pastor Hammer was unable to attend, so she is speaking on his behalf. SonRise Church is currently in the Berlin Electric territory, but they are utilizing Delmarva Power. They have requested to hold off on switching to Berlin Electric for one year to get the funds to purchase the transformers so they can get their commercial development sites going. Councilmember Gulyas asked if all the property out there is theirs; she said it is. Councilmember Gulyas asked if we have a map that shows the Berlin Electric territory; she said she will send it to him.

On the motion of Councilmember Brittingham Motion 2017-14 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>	4				1

5. Motion 2017-13 – Stormwater Management Contract Modification – Town Administrator, Laura Allen

Town Administrator, Laura Allen, presented the On-call Support Services Contract and the Construction Management Inspection Services Contract. She requested that we modify the contracts to increase the On-call Support Services Contract by \$41,500 and increase the Construction Management Inspection Services Contract by \$68,000. Mayor Williams asked if this project will be in the next fiscal year’s budget; she stated that they have grants from CDBG, DNR and FEMA that they are still using as a resource, and it will move into the design portion of the project. Mayor Williams asked how long the Graham, Grice and Nelson

project will continue; she stated that the funds expire at the end of the calendar year and they plan to exhaust that and look for more grant funding for the remaining projects. Mayor Williams stated that they received almost two million dollars towards stormwater projects in grant funds, but this is something that will be an ongoing project. Ms. Allen stated that the funding for the On-Call Contract (\$41,000) will come from budgeted contingency in the Water Fund and funding for the William St. project (\$68,000) will come from grants budgeted in the Stormwater Fund.

On the motion of Councilmember Gulyas Motion 2017-13 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>	4				1

- Motion 2017-12 – Motion restating the Town’s PJM Risk Management Policy and reauthorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission and to take actions there on its behalf related to the proceedings – Town Administrator, Laura Allen

Town Administrator, Laura Allen, requested that the Town restate the Town’s PJM Risk Management Policy and reauthorize the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission and to take actions on its behalf. She stated that she takes this Motion with her to hearings in case there were issues with her speaking on behalf of the Town. Mayor Williams stated that she attends the hearing on the first Thursday of each December.

On the motion of Councilmember Brittingham Motion 2017-12 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>	4				1

- Resolution of the Mayor and Council 2017-02: Withholding of permits, licenses and other approvals – Town Administrator, Laura Allen

Town Administrator, Laura Allen, requested that the Council approve the Town Administrator to withhold permits, licenses and other approvals if an applicant is not compliant with any town regulations or current with their accounts. This will give her the ability to deny placing an individual on the agenda until they are in good standing with the Town on all aspects except for when the property is on a tax appeal and the applicant has made the minimum tax payments required by the State. Councilmember Gulyas stated that he had a concern with number one, section D, about the time frame to issue a release, he thinks 10 days is too long and he suggests 24 hours. Ms. Allen requested some grace period,

perhaps 48 hours. Mayor Williams stated that if this happens on a Friday, it would be taken care of by Monday. Councilmember Gulyas suggests two business days. On the motion of Councilmember Gulyas Resolution 2017-02 with the suggested amendment in number one, section D, from 10 days to two business days 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>	4				1

8. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh reported that she and Ms. Allen have completed FY18 budget work with each department and are now polishing up the budget information for the workshops. She is working with Mr. Fleetwood and Ms. White to have ADP (the payroll system) communicate with Tyler. She is also working with Tyler to set up net metering for solar power by the end of the calendar year and into 2018; Mayor Williams asked her to present on this when it is closer. Lastly, she stated that the monthly power cost adjustment has been steadily declining, which is good.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen stated that the Berlin Cleanup Day on April 22nd has been faced with an issue, the regular lunch provider has over booked and cannot supply lunches for the event this year; she asked that if anyone knows someone who can provide a simple lunch to about 100 volunteers she would greatly appreciate it. On Wednesday, she will be attending the Community Development Block Grant Training in Crownsville.

c. Water Resources/Public Works Director – Jane Kreiter

Ms. Kreiter stated that they are beginning meter reads tomorrow and cleaning out the storm ditches. They are gearing up for spring and Take Pride in Berlin Week, they will be providing mulch for cleanup day. She is working with Head Start to get new equipment installed at their facility.

d. Electric Utility Director – Tim Lawrence

Mr. Lawrence reported that at 517 Bay Street, Building B, they connected new service, and at the new Police facility they installed new construction site service and a security light. At 200 Broad Street, they replaced some rotting poles and an overhead switch. At Intrepid Lane, they used an air compressor to clean the old conduit and installed a new primary. At 10008 Old Ocean City Boulevard, they installed a new primary and transformer, and they energized the service. They performed maintenance in the grid system for a better ground system and installed squirrel protectors. Councilmember Brittingham asked if he could look at the Dollar General entrance at night and possibly install a light on that corner; he said he will look at it.

e. Police Lieutenant – Robert Fisher

Lieutenant Fisher reported that the new Police Facility is coming along nicely. He also stated that eight vehicles were stolen from last week, so please remember to lock your vehicles. Mayor Williams asked if Ms. Bohlen could put that information on the website, Lieutenant

Fisher stated that they put it on their Facebook page and Ms. Bohlen will put it in the newsletter.

f. Planning Director – Dave Engelhart

Mr. Engelhart reported that he had Public Works remove the yellow sign that Councilmember Brittingham mention last meeting, it was an old sign that is no longer needed. He also stated that the soil from the new Police Facility was taken to the Worcester County Landfill.

g. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood stated that he will be attending a LIGT conference in Cambridge on April 4th. He will be having a meeting regarding the health insurance on April 6th at 11am, and the week of May 22nd will begin open enrollment.

9. Town Administrator’s Report –Laura Allen

Ms. Allen had nothing to report.

10. Comments from the Mayor:

Mayor Williams stated that the Town had a major loss last week, employee Bill Taylor passed away, he had a great personality and was very involved in the community and Berlin Fire Company. His memorial service will take place at the Berlin Fire Company on Saturday at 11am. He also stated that the new Berlin Falls Park, Project Coordinator, David Deutsch’s son passed away, he was a resident of Rochester, New York.

11. Comments from the Council:

Councilmember Gulyas had no comments.

Councilmember Tyndall had no comments.

Councilmember Brittingham had no comments.

Councilmember Purnell had no comments.

12. Comments from the Audience – none

13. Comments from the Press – none

14. On the motion of Councilmember Purnell, the Mayor and Council meeting was adjourned at approximately 7:55pm.

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>	4				1

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kelsey Jensen". The signature is written in black ink and is positioned above the printed name.

Kelsey Jensen
Administrative Assistant

9714 Healthway Drive
P. O. Box 97
Berlin, Maryland 21811

Telephone: 410-641-0097
Fax: 410- 641-0935
TTY: 410-677-6800

E-Mail:
Wendy.Myers@maryland.gov
Website: TheCricketCenter.com

Wendy Myers
Program Manager

Advisory Board Members

Monica Martin
President
Christina Fohner
Vice President

Anne Almand
Roberta Baldwin
Kathy Denk
Chief Arnold Downing
Althea Foreman
Frederick D. Grant
Donna Leffew
Sheriff Reggie T. Mason, Sr.
Beau Oglesby, Esq
Lt. Earl Starner
Louis H. Taylor

**Resource Development
Committee Members**

Roberta Baldwin
Cindy Cook
Emma Jerscheid
Jamie Manning
Monica Martin
Wendy Myers
Melissa Smith

A 501 (c) (3) Organization
Federal ID# 26-0177198

Member

National Children's Alliance
Accredited Member

Maryland Children's Alliance
Member

Ocean City Chamber of Commerce
Ocean Pines Chamber of Commerce
Berlin Chamber of Commerce



**Child Advocacy Center in Worcester County
Children's Resource Intervention Center - Kids Empowerment Team**

March 10, 2017

Mayor Williams
Town of Berlin
10 Williams Street
Berlin, MD 21811

Dear Sir:

I am writing to you on behalf of the CRICKET Center, the Worcester County Child Advocacy Center. The CRICKET Center is the non-profit agency which investigates and prosecutes each case of child sexual abuse, acute child physical abuse, and criminal child neglect in Worcester County. We operate as a multi-disciplinary team approach which includes partnering agencies: Atlantic General Hospital, Life Crisis, Inc., Local Law Enforcement, Worcester County Board of Education, Worcester County Department of Social Services and Worcester County State's Attorney's Office. The CRICKET Center (CAC) is a facility which uses "Best Practices" in order to minimize the trauma experienced by children who are victims of abuse. Although the minimization of trauma is the primary goal of CAC's, they also have been known to increase successful prosecution of child abuse perpetrators.

The CRICKET Center is accredited by National Children's Alliance. We are one of two accredited CACs on the eastern shore of Maryland (with Talbot County being the second). Despite the great benefit of the CAC to our community; we are dependent on fund raising and competitive grants to pay the day-to-day operational as well as the therapeutic and advocacy costs. According to National Children's Alliance, traditional investigations nationwide were 36% more expensive than CAC investigations. The difference is attributed to better communication during the investigation and prosecution between the professionals on the multi-disciplinary team. We never charge a fee for any services provided by The CRICKET Center.

We would like to respectfully request \$7,500 for fiscal 2018 to ensure continuation of our program. In 2016, The CRICKET Center investigated 92 new cases of child sexual abuse and acute physical abuse in Worcester County. In addition, we provided 495 hours of trauma based therapy, identified 37 maltreaters who were sentenced to more than 152 years of jail time during this period. We provide investigative services as well as medical and mental health intervention to Berlin child victims and their non-offending family members. The number of victims continues to rise and our best defense is our child advocacy center.

Please feel free to contact us if there is any additional information we can provide to you. I also would like to extend an invitation for you to visit The CRICKET Center so you may witness firsthand the effort our team is putting forth to make Worcester County safer for children.

Thank you for your consideration.


Wendy Myers
Program Manager



Worcester County Commission on Aging

4767 Snow Hill Road, Snow Hill, MD 21863

To: Mayor & Town Council
From: Rob Hart, Executive Director
CC: Linda Allen, Town Administrator
Date: March 16, 2017

Re: FY2018 Budget Request for Northern Worcester County Senior Center

We would like to request funding of \$2,500 for the Northern Worcester County Senior Center. This funding would be used for activities that the seniors do at the senior center. These funds would be allocated by the Northern Worcester County Senior Center Advisory Committee and managed by the Worcester County Commission on Aging.

We are also requesting funds for an additional staff member for the Northern Worcester County Senior Center from the Worcester County Commissioners. Below is information on our request to the Commissioners;

“ After many years of trying to manage the county’s senior centers with one staff person, the membership of the senior centers have doubled and it is no longer safe or reasonable to operate this way. We are requesting to add one staff person to each senior center. This will help us grow with the incoming demand from our increasing senior population. Not only has our membership grown but the demand for more services at the senior center has as well. The newer seniors are expecting much more from their senior center than in the past. We continue to look at different options of working with the senior population here in Worcester County including how other areas operate their senior programs.”

Currently Worcester County funds the total operational budget for the senior centers including staffing. The Northern Worcester County Senior Center conducts fundraisers and collects donations to help subsidize the daily cost of activities.

To summarize our FY2018 request we are asking for \$2,500 to support the Northern Worcester County Senior Center. We are grateful for the opportunity to serve the seniors of Berlin and surrounding area.

Thanks for your considerations

Memo

PHONE FAX EMAIL
410.632.1277x101 1.855.230.5496 robh@worcoa.org

RESOLUTION 2017-03

A RESOLUTION FO THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, PROHIBITING TRUCK TRAFFIC ON BAKER STREET PURSUANT TO CHAPTER 32 OF THE TOWN CODE

WHEREAS, Chapter 32, Section 32-19 grants the Mayor and Council the authority to establish truck routes on streets within the corporate limits of the Town of Berlin, and further grants the Mayor and Council the authority to prohibit the traversing of trucks from any street in the Town by the appropriate posting of signs and marking of said streets; and

WHEREAS, Chapter 32, Section 32-21 defines a truck as any vehicle, regardless of the number of axles thereon, with a gross weigh exceeding one ton, but excludes such trucks from the prohibition if a truck is making a delivery to a business or residence located on the prohibited street; and

WHEREAS, Chapter 32, Section 32-22 provides that any violation of the provisions of Chapter 32 shall be punishable upon conviction as a misdemeanor as provided in Chapter 1, Section 1-23 of the Town Code; and

WHEREAS, the Mayor and Council have determined, after hearing concerns from citizens residing on Baker Street, that truck traffic should be prohibited from traversing onto Baker Street unless a truck is making a delivery to a business or residence on Baker Street.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin that trucks are hereby prohibited from traveling onto Baker Street in the Town of Berlin unless a truck is making a delivery to a business or residence on Baker Street; and

BE IT FURTHER RESOLVED that signs and appropriate markings shall be posted on Baker Street prohibiting truck traffic from traveling on Baker Street and violations shall be subject to prosecution pursuant to Chapter 32, Section 22 and Chapter 1, Section 1-23 of the Town Code.

Adopted this ____ day of _____, 2017 by the Mayor and the Town of Berlin, Maryland, by affirmative vote of ____ to ____ opposed, with ____ abstaining and ____ absent.

Elroy Brittingham, Vice-President

Approved this ____ day of _____, 2017 by the Mayor and Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Laura Allen, Town Administrator



MOTION OF THE MAYOR AND COUNCIL No. 2017-15

A Motion of the Mayor and Council of the Town of Berlin approving the Baker Street Roadway Improvements Proposal for Design and Construction Phase Services in the amount of \$20,000 as proposed by Davis, Bowen & Friedel, Inc.

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

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator



ARCHITECTS ENGINEERS SURVEYORS

March 31, 2017

Town of Berlin
10 Williams Street
Berlin, MD 21811

Michael R. Wigley, AIA, LEED® AP
Randy B. Dupiechain, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelerton, AIA
Jason P. Lobar, P.E.
Ring W. Lardner, P.E.

Attn: Ms. Laura Allen
Town Administrator

Re: Baker Street Roadway Improvements
Proposal for Design and Construction Phase Services
Berlin, Maryland
DBF # P0050A17.025

Dear Ms. Allen:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to offer the following proposal for professional design and construction phase engineering services associated with Roadway Improvements on Baker Street from West Street to the railroad tracks. It is our understanding that you desire basic design plans and construction administration services for resurfacing the asphalt portion of the roadway and replacing cracked or broken concrete sections of roadway, sidewalk, curb and gutter along the roadway. Based on this understanding, our scope of work will be to develop a concept site plan and details for construction of the proposed work. A breakdown of services and fees are as follows:

Design Services

We will provide a concept plan showing the project area with notes and details for the reconstruction work to be performed including road pavement extents, subgrade repair requirements, sidewalk repairs, curb & gutter repairs, driveway tie-ins, and addressing any ADA issues. No survey will be performed, so the plan will be based on aerial imagery and visual field observations.

Erosion & Sediment Control and Stormwater Management Design and Permitting

Since this is a roadway maintenance project that will not increase impervious area, we assume that a stormwater management exemption or waiver will be granted by the Town. The Project will also be exempt from County Erosion and Sediment Control permitting. Stormwater Management/ESC is not included in our scope of work.

Specifications/Bid Documents

We will provide bidding documents necessary to allow bid acquisition, award and construction of the work. Specifications will include a unit price Bid Form, bonding requirements, and any necessary contractual requirements. The specifications will reference the Town Design and Construction Standards for Water, Sewer, and Roadway Systems.

Bidding Administration

DBF will provide bidding and award administration including assisting with advertising, soliciting interest from area contractors, responding to bidder questions, attendance at the Pre-Bid Meeting and Bid Opening, reviewing Bids received and recommendation of award. Actual cost for advertising shall be paid by the Town, or if requested, can be handled as a direct expense by DBF. Advertising costs are not

included in the Lump Sum fee. The stated fee includes one complete bid process. Additional bid processes shall be provided if needed under additional services.

Construction Administration Services

Construction Administration Services will be provided during project construction and will include the following:

- Coordinate between the Town of Berlin and Contractor when appropriate.
- Conducting the Pre-Construction Conference and progress meetings for the project on behalf of the Town of Berlin including preparation and distribution of meeting minutes.
- Review of submittals by the Contractor on materials proposed for use in the construction project.
- Answer Contractor and Town of Berlin questions regarding project materials, equipment, and construction processes.
- Supervision of Resident Project Representative (RPR) monitoring and reporting activities, and distribution of Daily Field Reports generated by the RPR.
- Review and distribute results of materials testing that are required.
- Confirm that testing has been performed on required portions of the underground utilities and that results conform to project requirements.
- Review Contractor progress payment applications, make recommendation to the Town of Berlin.
- Communication with the Contractor pertaining to conflict resolution and any other issues relevant to construction activity.
- Review and recommendations for Contractor Change Order requests; draft and process same.
- Schedule and participate in the final inspection of the completed work to result in preparation of a punch-list.
- Verification that punch-list items have been completed and recommendations regarding acceptance to the Town of Berlin.
- Schedule, conduct, and report the results of the end-of-warranty inspection of constructed improvements.
- Construction Administration fees are based on 30 day construction period and 15 day shop drawing review phase.

RPR Inspection Services

RPR Services will be provided as necessary throughout the project construction and will include the following:

- Pre-construction video to document the condition of existing site area and adjacent properties.
- Part-time inspection of above-ground and accessible improvements to verify compliance with project specifications.
- Inspection of materials provided by the Contractor for use in the construction project.
- Preparation of Daily Field Reports to summarize the Contractor's activities and field conditions.
- Maintain project record of field reports, meeting minutes, and construction correspondence.
- Monitoring testing activities to confirm compliance with requirements of project specifications.
- Informing the Engineer as to the progress and quality of work.
- Review changes observed to accommodate field conditions and maintain RPR field as-built set.
- Informing the Contract Administrator of conflicts and formulation of punch-list at conclusion of constructed improvements.

Inspection fees assume one inspector part-time as needed over the 30 day construction period. Estimated inspection hours for construction meetings and final inspection are also included in the estimated fee.

Proposal: Ms. Laura Allen - Town of Berlin
 P0050A17.025 – Baker Street Proposal
 March 31, 2017
 Page 3

Fee Breakdown

TASK		SUB-TOTAL
<u>DESIGN PHASE</u>		
Design	(LS)	\$5,000
Bidding	(LS)	\$5,000
	TOTAL	\$10,000
<u>CONSTRUCTION PHASE</u>		
Construction Administration	(LS)	\$5,000
Inspection Services	(EST)	\$5,000
	TOTAL	\$10,000

Payment Terms and Conditions

DBF proposes to complete the proposed scope of services as described above for the fees identified above. Billing of lump sum fees (LS) will be based upon percentage of work completed during the previous month. Hourly estimated fees (EST), additional services, and direct or reimbursable expenses will be provided on an hourly and unit price basis and invoiced for work completed during the previous month in accordance with the enclosed Schedule of Rates No. 46. We will not exceed the estimated fee without first notifying you and receiving written authorization to continue. Please refer to the attached schedule of rates for other terms and conditions. Agency review or permitting fees are not included in the fees listed.

Should you find this proposal acceptable please indicate by signing and dating below. Please retain one copy for your records and return one copy to this office. Receipt of a signed proposal constitutes our notice to proceed, unless otherwise specified.

Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience. We look forward to another successful project with the Town of Berlin and appreciate the opportunity to be of continued service.

Sincerely,
 DAVIS, BOWEN & FRIEDEL, INC.



Joshua J. Taylor, P.E.
 Associate

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Accepted By: _____ Date: _____
 TOWN OF BERLIN

DAVIS, BOWEN & FRIEDEL, INC. ("DBF")
SCHEDULE OF RATES AND GENERAL CONDITIONS
 SCHEDULE NO. 46
 Effective June 1, 2015

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$170.00
Senior Architect	\$150.00
Architect	\$120.00
Senior Landscape Architect	\$150.00
Landscape Architect	\$120.00
Senior Engineer	\$150.00
Engineer	\$120.00
Construction Administrator	\$120.00
Senior Traffic Engineer	\$150.00
Traffic Engineer	\$120.00
Geologist	\$120.00
GIS Specialist	\$110.00
Senior Surveyor	\$150.00
Associate Surveyor	\$120.00
Surveyor	\$115.00
Senior Designer	\$115.00
Computer Graphics Designer	\$100.00
Designer	\$105.00
CADD I	\$95.00
CADD II	\$85.00
Computer Administrator	\$100.00
2 Man Field Crew	\$140.00
3 Man Field Crew	\$175.00
GPS Unit (1 man)	\$110.00
GPS Unit (2 man Crew)	\$150.00
GPS Unit (3 man Crew)	\$200.00
Resident Project Representative	\$80.00
Water/Wastewater Operator	\$120.00
Clerical	\$60.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

INVOICES & PAYMENT

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

TERMINATION OF CONTRACT

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

LIMITATION OF LIABILITY

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

INDEMNIFICATION

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

FORCE MAJEURE

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

CONSTRUCTION PHASE SERVICES

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

OWNERSHIP OF DOCUMENTS

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

USE OF ELECTRONIC MEDIA

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

SUCCESSORS & ASSIGNS

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

MISCELLANEOUS PROVISIONS

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

REIMBURSABLE EXPENSES

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.



MOTION OF THE MAYOR AND COUNCIL No. 2017-16

A Motion of the Mayor and Council of the Town of Berlin approving the Deed of Dedication between Purnell Crossing Community Association, Inc., a Maryland corporation and the Mayor and Council of Berlin and reducing the bond for this project to zero.

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

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator

THIS DEED OF DEDICATION, made this _____ day of _____, in the year two thousand seventeen (2017), by and between Purnell Crossing Community Association, Inc., a Maryland corporation, hereinafter called the Grantor, and MAYOR AND COUNCIL OF BERLIN, a municipal corporation of the State of Maryland, hereinafter called the Grantee, WITNESSETH:

WHEREAS, the Grantee has agreed to accept a Deed of Dedication from the Grantor for the maintenance of roadways at the Grantee's expense.

NOW, THEREFORE, in consideration of the sum of No Dollars (\$0.00) and other good and valuable considerations, the said Grantor does hereby grant and convey unto MAYOR AND COUNCIL OF BERLIN, a municipal corporation of the State of Maryland, its successors and assigns, in fee simple, All that road, street and land situate, lying and being in the Town of Berlin in the Third Tax District of Worcester County, State of Maryland, being known and designated as Sunlight Lane, on the plat entitled "Plat of Survey Showing the Portion of Sunlight Lane to be Conveyed to The Town of Berlin, made by Cal Holloway, PLS No. 21591, and attached hereto; and BEING A PART OF THE SAME property which was granted and conveyed unto the Grantor herein from TPGP, LLC by Deeds recorded among the Land Records of Worcester County, Maryland in Liber S.V.H. 5152, folio 171 et seq. (Phase 3A); Liber S.V.H. No. 5154, folio 239 et seq. (Phase 2A); Liber S.V.H. Liber 5165, folio 535 et seq; (Phase 1) and Liber S.V.H. No. 5294, folio 233, et seq. (Phase 4A).

TOGETHER with the buildings and improvements thereon, and all the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described and hereby granted property unto the said Mayor and Council of Berlin, a municipal corporation as aforesaid, its successors and assigns, forever in fee simple.

AND the said Grantor does hereby covenant that it will warrant specially the property hereby conveyed, and that it will execute such other and further assurances of title thereto as may be requisite.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on its behalf by its duly authorized officer.

ATTEST:

Purnell Crossing Community
Association, Inc., a Maryland a
nonstock corporation

By: _____ (SEAL)

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 2017, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared _____, who acknowledged himself to be the _____ of Purnell Crossing community Association, Inc., a Maryland corporation, and further acknowledged that he executed the same for the purposes therein contained by signing the name of the corporation by himself as _____.

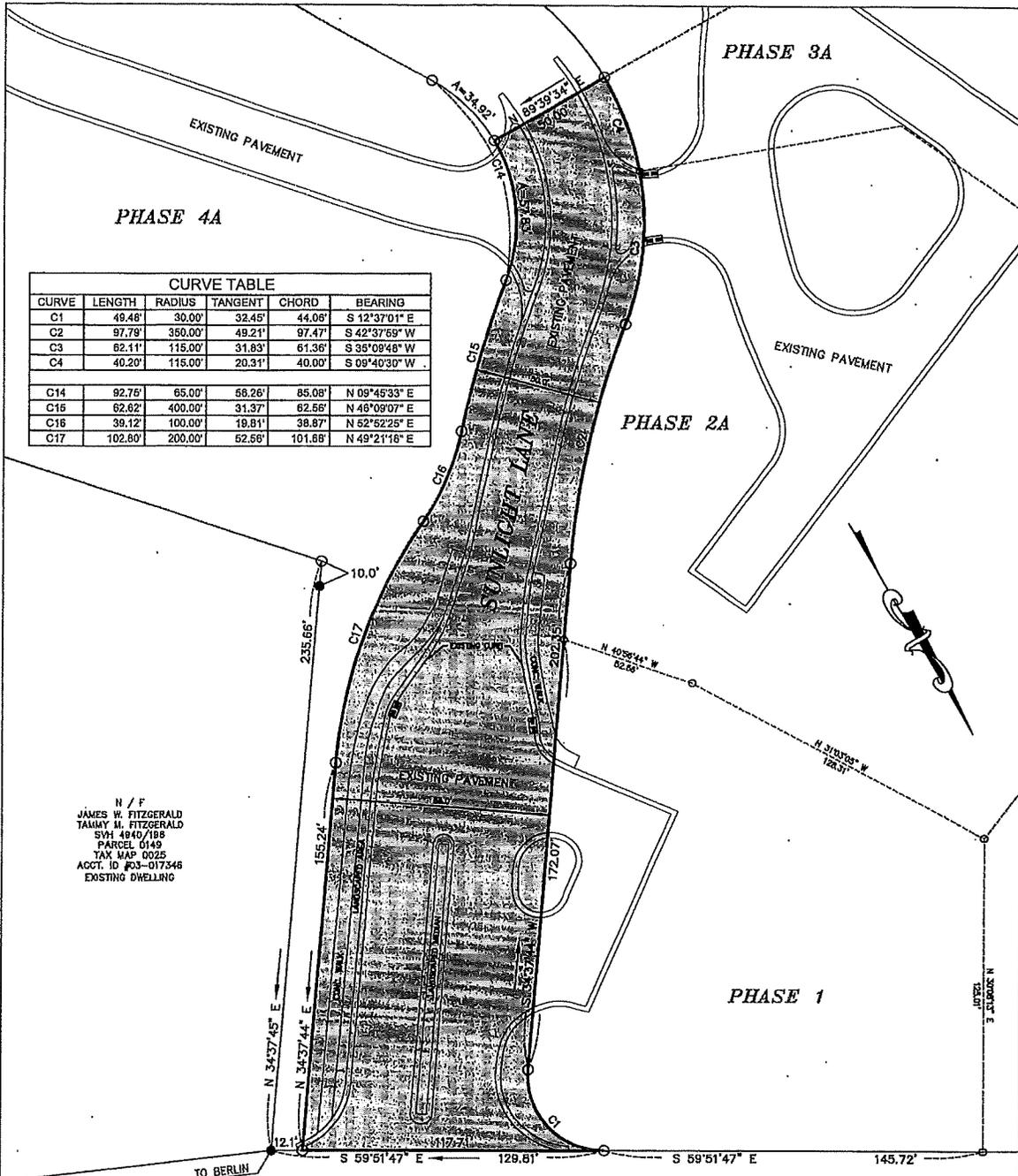
AS WITNESS my hand and Notarial Seal.

Notary Public
My commission expires:

ATTORNEY AFFIDAVIT

I HEREBY CERTIFY that this instrument was prepared under the supervision of an attorney admitted to practice law before the Court of Appeals for the State of Maryland.

Raymond D. Coates, Jr.



CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING
C1	49.48'	30.00'	32.45'	44.06'	S 12°37'01" E
C2	97.78'	350.00'	49.21'	97.47'	S 42°37'59" W
C3	62.11'	115.00'	31.83'	61.36'	S 36°09'48" W
C4	40.20'	115.00'	20.31'	40.00'	S 09°40'30" W
C14	92.76'	65.00'	66.26'	85.08'	N 09°45'33" E
C15	62.62'	400.00'	31.37'	62.56'	N 48°09'07" E
C16	39.12'	100.00'	19.81'	39.87'	N 62°52'25" E
C17	102.80'	200.00'	62.66'	101.68'	N 49°21'16" E

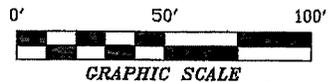
N / F
 JAMES W. FITZGERALD
 TAMMY M. FITZGERALD
 SVH 4940/188
 PARCEL 0149
 TAX MAP 0025
 ACCT. ID #03-017346
 EXISTING DWELLING

OLD OCEAN CITY ROAD (MARYLAND ROUTE 346)

AREA OF RIGHT OF WAY TO BE CONVEYED = ±29,428 SQ. FT.

LEGEND:

- DENOTES IRON PIPE
- DENOTES UNMARKED POINT
- DENOTES PHASE BOUNDARY



Cal Holloway 3/17/17
 Cal Holloway, Prof. Land Surveyor
 License No. 21591 - Expires 01/23/19



Benchmark Land Surveying, Inc.
 24 Broad Street
 Berlin, MD 21811
 410-641-3313
 cal@benchmarkmd.com

OWNER:
 PURNELL CROSSING
 COMMUNITY ASSOCIATION
 P.O. BOX 460
 OCEAN CITY, MD 21843

PROPERTY INFORMATION:
 P/O PARCEL 1712
 TAX MAP 0300
REFERENCE PLAT:
 "PURNELL CROSSING -
 CONDOMINIUM PHASE PLAT"
BY:
 L.E. BUNTING SURVEYS, INC.
 DATED: JUNE 27, 2007
 PLAT BOOK: SVH 219/55

PLAT OF SURVEY
 SHOWING THE PORTION OF
SUNLIGHT LANE
 TO BE CONVEYED TO
THE TOWN OF BERLIN
 THIRD TAX DISTRICT
 WORCESTER COUNTY, MARYLAND
 SCALE: 1" = 50' DATE: 03/17/17
 JOB NO. 8624_SUNLIGHT2



ARCHITECTS ENGINEERS SURVEYORS

Michael P. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

March 10, 2017

Town of Berlin
10 William Street
Berlin, MD 21811

ATTN: Ms. Laura Allen
Town Administrator

RE: Purnell Crossing – North
Bond Reduction/Closeout Letter
Berlin, Maryland
DBF #0050A002.009

Ms. Allen:

The purpose of this correspondence is to provide the Town of Berlin with Davis, Bowen & Friedel, Inc. recommendation for Bond Reduction for the referenced project. On Tuesday, March 7, 2017, the writer received indication that the remaining punch list items from the August 9, 2016 punch list has been completed.

Based on the Town's indication that the Developer has successfully completed the punch list items, it is Davis, Bowen & Friedel, Inc. recommendation that the Town of Berlin would approve Mr. Purnell's request for bond reduction from \$60,000.00 to \$0.00. It is our understanding that this reduction would closeout the bond for Phase 1A – Subsection 1.

Should you have any questions regarding the above, please do not hesitate to call Josh Taylor, PE or me.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

A handwritten signature in black ink that reads 'John McGee'.

John McGee
Contract Administrator

JCM
N:\001050A\050A002\0050A002.009 - Purnell Crossing\Purnell Crossing North\Letters\Allen 031017.jcm.doc

cc: Ms. Jane Kreiter – Town of Berlin
Mr. Troy Purnell – Purnell, Inc.



Mayor & Council of Berlin



FAIR HOUSING AND EQUAL OPPORTUNITY PLAN

As a recipient of federal Community Development Block Grant funds from the United States Department of Housing and Urban development received through the State of Maryland, the Town of Berlin is required to comply with all federal statutes, regulations and Executive Orders relating to civil rights, fair housing, non-discrimination and equal opportunity. The Town's compliance is not specific to the federally funded project or activity. The Town must ensure that its administrative practices, policies and laws meet the intent of the statutes, regulations and Executive Orders.

Therefore, the Town of Berlin commits to create an environment for its citizens where no one is excluded from participation or benefit due to their race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The denial of rights based on any of these protected classes is detrimental to the health, safety and welfare of the citizens and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

Fair Housing

In accordance with the federal Civil Rights Act of 1968 (as amended), the federal Housing and Community Development Act of 1974 (as amended), and the Fair Housing act of 1988, the Town will promote through fair, orderly and lawful procedures, the opportunity for each person to obtain housing of such person's choice in this community without regard to race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion.

To the best of our ability, the Town of Berlin will promote and encourage fair housing choice for all its residents. The City's administrative practices, policies and laws will attempt to prohibit:

- Discrimination in the Sale or Rental of Housing
- Discrimination in Housing Financing
- Discrimination in Providing Brokerage services
- Unlawful Intimidation

The Town will accept complaints from any citizen that feels that they have been discriminated against related to their housing choice. The Town will make an initial investigation and refer the complaint to the state or the federal housing departments.

For housing projects developed or assisted with federal funds, the Town will ensure that its subrecipients and developers will comply with statutes, regulations and Executive Orders.

Chapter 48 of the Town of Berlin Code, titled "Fair Housing" establishes the policy of the Town of Berlin to provide, within constitutional limitations, for fair housing.

Equal Opportunity

In accordance with the federal Civil Rights Act of 1964 (as amended), no person in the Town of Berlin shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

The Town will ensure that it will not discriminate in its procurement practices. The Town's procurement policies allow for open and competitive bidding concerning all procured goods and services. When applicable, the Town will solicit bids from minority and women owned businesses.

Affirmative Action Strategy

It is the policy of the Town of Berlin not to discriminate against any employee or any applicant for employment because of race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The Town will take affirmative action to insure that this policy includes but is not limited to the following: recruitment and employment, promotion, demotion, transfer, compensation, selection for training, layoff and termination. Additionally, the Town will ensure that our contractors and subcontractors will not discriminate against any employee or applicant for employment.

Affirmatively Furthering Fair Housing

The Town of Berlin commits to affirmatively further fair housing in our community. Our programs will be administered in accordance with our efforts to provide a range of fair housing choices to our citizens.

The Town will undertake the following activities on an annual basis:

- Adopt a Fair Housing Proclamation and celebrate the month of April as Fair Housing Month

Excessive Force

The National Affordable Housing Act (NAHA) of 1990 (as amended) requires recipients of federal Community Development Block Grant funds through the United States Department of Housing and Urban Development to protect individuals engaging in non-violent civil rights demonstrations. To that end, the Town is required to develop and maintain a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations.

The Town of Berlin maintains a police department for the safety of its citizens. The Town prohibits the use of excessive force by employees of the police department against anyone engaged in non-violent civil rights demonstrations. This is more defined in the Berlin Police Department's "Use of Force and Reporting Use of Force" policy.

Limited English Proficiency

The Town of Berlin recognizes that, as its population increases, its population now includes persons from other countries whose primary language is not English. To that end, the Town will make efforts to identify various populations and to provide information to them in a language they understand.

Personnel Policies

The Town of Berlin's personnel policies are in compliance with all federal and state equal opportunity requirements. They are updated as requirements change.

Specifically, employees are notified of their rights, responsibilities and requirements of the specific jobs and as a representative of the Town. The personnel policies provide information on compensation, leave, termination, grievances, benefits, sexual harassment, and employee reviews. The personnel policy also provides information about conflict of interest provisions related to contracting and procurement.

A full copy of the personnel policies may be obtained at Town Hall during normal business hours.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III

This Anti-Displacement Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



SECTION 3 PLAN

1. The Mayor and Council of the Town of Berlin, Maryland (Berlin) designates the corporate boundaries of the Town of Berlin (Berlin) as its Section 3 Business and Employment Project Area.
2. Berlin, its contractors, and designated third parties shall, in utilizing Maryland Community Development Block Grant (CDBG) funds, utilize businesses and lower income residents of Berlin in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies Berlin, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in Berlin:
 - a. Berlin shall identify the contracts required to conduct the CDBG activities.
 - b. Berlin shall identify through various and appropriate sources including:
 - i. Local Newspaper(s) of General Circulationthe business concerns in Berlin which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.
 - d. To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG.
4. Berlin and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in Berlin:
 - a. Berlin, in consultation with its contractors (including design and engineering professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
 - b. Berlin shall advertise through the following sources:
 - i. Local Newspaper(s) of General Circulation
 - ii. The Maryland Department of Laborthe availability of such positions with the information on how to apply.
 - c. Berlin, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
 - d. To the greatest extent feasible, Berlin, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by CDBG.
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1968*, Berlin shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III
(Signature)

This Section 3 Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD
on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin



MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

The Mayor and Council of the Town of Berlin, Maryland has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Community Development Block Grant Funds:

- Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;
- Furnish citizens information including but not limited to:
 - ❖ the amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - ❖ the range of activities that may be undertaken with CDBG funds;
 - ❖ the estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - ❖ the proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 42.325.
- Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;
- Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizen's views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. Public hearings to cover community development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
- Provide citizen's with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to the State. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the State;

- Provide citizens the address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

CDBG funded activities may serve beneficiaries outside the jurisdiction of the unit of general local government that receives the grant, provided the unit of general local government determines that the activity is meeting its needs in accordance with section 106(d)(2)(D) of the Act.

PROVISION OF INFORMATION, PUBLIC HEARINGS AND COMMENTS

The Mayor and Council of the Town of Berlin will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of 8:30 am - 5:00pm at the following location:

Town Hall
10 William Street
Berlin, Maryland 21811

Where possible, the Mayor and Council of the Town of Berlin will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

Information will be furnished to citizens through public notice in OC Today, a newspaper of general circulation. The Mayor and Council of the Town of Berlin may also provide additional information to its citizens about the CDBG Program through articles in local newspapers, newsletters or community bulletins, flyers distributed door to door or at presentations made at community meetings.

The Mayor and Council of the Town of Berlin will hold **at least one** public hearing to receive input by citizens on the housing and community development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held **prior to submission of an application for CDBG funds**. The public notice will state that the following will be discussed:

- the amount of CDBG funds available
- the range of activities that may be undertaken with CDBG funds;
- the estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
- the plans of the Mayor and Council of the Town of Berlin likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.

If the MD CDBG Program funds the activity, a **second hearing** on program performance must be held at some point during the grant period **after the activity has been initiated**.

The MD CDBG Program requires that notice of a public hearing be published in a newspaper of general local circulation no less than five (5) days in advance of the hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations accessible to the disabled. Documentary evidence that the required notices are published and public hearings are held in accordance with the plan will be maintained. Copies of the actual notices and/or affidavits shall be a part of the files, in addition to minutes of the hearings. Written minutes of the hearing and an attendance roster will be maintained by Anthony J. Carson, Jr, Town Administrator of the Town of Berlin, Maryland at the following location:

Town Hall
10 William Street
Berlin, Maryland 21811

If necessary, the Mayor and Council of the Town of Berlin will make arrangements for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to acarson@berlinmd.gov or 410-641-2770. At least ten (10) days advance notice is requested.

The Mayor and Council of the Town of Berlin will provide citizens an opportunity to comment on the proposed activities in an application to the State. Written comments may be sent to:

Town Hall
ATTN: CDBG COMMENTS
10 William Street
Berlin, Maryland 21811

TECHNICAL ASSISTANCE

When requested to provide technical assistance to groups representative of persons of low and moderate income, the Town of Berlin will assist if possible. Files shall document meetings between the group and the local government. If staff capacity to assist does not exist, the Town of Berlin may offer a referral to the State or to a consultant who can provide the necessary expertise.

COMPLAINTS AND GRIEVANCES

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

Town Hall
10 William Street
Berlin, Maryland 21811

The Town of Berlin shall make reasonable effort to provide a response in writing to written complaints or grievances within 15 working days.

AMENDMENTS TO APPLICATIONS OR GRANTS

The Mayor and Council of the Town of Berlin, Maryland will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location or beneficiaries. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III

This Citizen Participation Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 5 year period until _____, 20____.



Mayor & Council of Berlin



GUIDE FOR RESIDENTIAL ANTI DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The Town of Berlin, MD (hereinafter, "Berlin") hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 ("HCD Act of 1974"), as amended, as described in 24 CFR Part 42.

Berlin will replace all occupied, and vacant occupiable, low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with activities assisted with funds provided under the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Berlin will make public and submit to the Maryland CDBG Office the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;
- E. The source of funding and a time schedule for the provision of replacement dwelling units; and
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling for at least ten (10) years from the date of initial occupancy.

Berlin will provide relocation assistance, as described in 24 CFR 42.350, to each low/moderate-income household displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low/moderate-income dwelling to another use as a direct result of assisted activities.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion which results in displacement not covered by the URA, Berlin accepts the following as the anti-displacement and relocation standards by which the local CDBG project will be administered, including determination of entitlement to and payment of relocation benefits:

Definitions

- A. The term "tenant" includes any family, individual, business, nonprofit organization or farm that is a renter. It also includes any owner-occupant displaced as a direct result of non-URA acquisition by Berlin with the power of eminent domain, and any displaced owner-occupant of a mobile home who rents the site.
- B. The term "displaced" refers to a tenant who moves from his or her dwelling if:
 - i. The tenant has not been provided a decent, safe and sanitary dwelling unit on the property following the completion of the assisted activity, at a monthly cost for rent and utilities that does not exceed the greater of:
 - a. The tenant's cost for rent and utilities at the time that Berlin lets a contract for Berlin's assistance with the owner; or
 - b. Thirty (30) percent of the tenant household's gross income; or
 - ii. If temporary relocation is required, the tenant is not reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation.

2. Eligibility Criteria for Benefits

- A. Any tenant legally occupying the property at the time that Berlin enters into a contract to provide assistance for the acquisition or rehabilitation; and
- B. Any tenant who legally moves into the property between such event and the actual acquisition, conversion, demolition, or rehabilitation without receiving prior written notice of his or her possible displacement as a result of the planned acquisition, conversion, demolition, or rehabilitation.

3. Benefits

Any tenant who is to be displaced as a result of CDBG financed rehabilitation, acquisition, conversion, or demolition, but whose displacement is not subject to the URA, will be provided with relocation assistance, including at a minimum;

- A. Reasonable moving expenses;
- B. Advisory services needed to help in relocating;
- C. Interim living costs;
- D. Security deposits and credit checks; and

E. For a displaced residential tenant:

- i. Referral to at least one suitable, decent, safe and sanitary replacement dwelling unit. Berlin shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619,, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and
- ii. each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the “Total Tenant Payment”, as determined under 24 CFR Part 813. All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

4. **General Policies**

- A. Berlin will assure compliance with the provisions of benefits to displace residential tenants. However, Berlin may enter into a written agreement with a subrecipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.
- B. The cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source.
- C. If any owner or occupant of assisted property disagrees with the determination of Berlin that these requirements do not apply to an acquisition or a displacement, the person may appeal that determination to:

Maryland CDBG Program
Department of Housing and Community Development
100 Community Place
Crownsville MD 21032-2023

- D. Consistent with the goals and objectives of the CDBG Program, Berlin will take every preventable action to minimize the involuntary displacement of persons from their homes and neighborhoods. Examples of action which, among others, may be taken to minimize or prevent displacement include:
 - I. Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun.

- II. Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.

- III. Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III
(Signature)

This Anti-Displacement Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 5 year period until _____, 20____.



Mayor & Council of Berlin, Maryland

April 10, 2017

PROCLAMATION 2017-08

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING FAIR HOUSING MONTH - APRIL, 2017

WHEREAS the Congress of the United States passed the Civil Rights Act of 1968, in which it was declared that the law of the land would guarantee the rights of equal housing opportunity, and

WHEREAS the month of April is recognized by the federal government as Fair Housing Month and realtors, developers, financial institutions, landlords, tenants and the public at-large are reminded that it is illegal to discriminate in housing on the basis of age, race, religion, sex or national origin, and

WHEREAS fair housing groups and the Maryland Department of Housing and Community Development have, over the years, received complaints of alleged illegal housing discrimination, and

WHEREAS the State of Maryland, through the Maryland Department of Housing and Community Development, supports fairness in housing through a variety of programs and working partnerships with the federal government, local governments and private sector businesses to ensure better living conditions for all Marylanders, and

WHEREAS equal housing opportunity is a condition of life in our community that can and should be achieved;

NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the month of April 2016 as FAIR HOUSING MONTH in the Town of Berlin and does commend this observance to all of our citizens.

WITNESS MY HAND AND SEAL, THIS 10th DAY OF APRIL, 2017

Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator



MOTION OF THE MAYOR AND COUNCIL No. 2017-17

A Motion of the Mayor and Council of the Town of Berlin approving the following documents as required by the Maryland Department of Housing & Community Development (DHCD) for participation the Community Development Block Grant (CDBG) program.

1. RECOGNIZING FAIR HOUSING MONTH - APRIL, 2017
2. FAIR HOUSING & EQUAL OPPORTUNITY PLAN 2017 (expires 2020)
3. SECTION 3 PLAN 2017 (expires 2020)
4. CITIZEN PARTICIPATION PLAN 2017 (expires 2022)
5. ANTI-DISPLACEMENT & RE-LOCATION PLAN 2017 (expires 2022)

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

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator



Mayor & Council of Berlin, Maryland

April 10, 2017

PROCLAMATION 2017-09

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING THE WEEK OF APRIL 22-29, 2017 AS TAKE PRIDE IN BERLIN WEEK

WHEREAS The Town of Berlin, Maryland embodies the way of life of small town America, while providing a modern lifestyle; and

WHEREAS the citizens of Berlin are proud of their community, their neighborhoods and their neighbors; and

WHEREAS the organizations that call Berlin home are dedicated to maintaining and enhancing the many positive aspects of our community; and

WHEREAS the volunteer spirit of our citizens enables lasting and effective partnerships of people, organizations, commercial ventures and municipal government to make our town a wonderful place to live, work and visit; and

WHEREAS our Town boasts many characteristics that make evident the efforts of past and current generations to uphold the values of our citizens through stewardship of the natural, cultural, and civic environment,

NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the week of April 22-29, 2017 as the 4th Annual Take Pride in Berlin Week.

WITNESS MY HAND AND SEAL, THIS 10TH DAY OF APRIL, 2017

Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator