



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

**Berlin Town Hall**  
**10 William Street**  
**Monday, February 12, 2018**

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

1. Approval of the Minutes for:
  - a. Executive Session of 01/22/18
  - b. Statement of Closure for Executive Session of 01/22/18
  - c. Regular Session of 01/22/18
  
2. Atlantic General Hospital Annual Update – President/CEO Michael Franklin
  
3. Event – Zennafest – June 16, 2018 10am-5pm – Chrissy Ehrhart
  
4. Motions to approve:
  - a. 2018-03 – Reinstating 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  
Staff Contact – Town Administrator Laura Allen
  
  - b. 2018-04 – Authorizing the Mayor to sign an agreement with Betts and Holt, LLP for legal services regarding the Electric Department and other energy related matters.  
Staff Contact – Town Administrator Laura Allen
  
5. Departmental Reports:
  - a. Finance Director – Natalie Saleh
  - b. Administrative Services Director – Mary Bohlen
  - c. Water Resources/Public Works – Jane Kreiter
  - d. Electric – Tim Lawrence
  - e. Chief – Arnold Downing
  - f. Planning – Dave Engelhart
  - g. Economic and Community Development – Ivy Wells
  - h. Managing Director – Jeff Fleetwood
  
6. Town Administrator’s Report
  
7. Comments from the Mayor
  
8. Comments from the Council
  
9. Comments from the Public

10. Comments from the Press

11. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Laura Allen, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.

*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, January 22, 2018**

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

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

**Absent:** Councilmember Troy Purnell

**Staff Present:** Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Administrative Assistant Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:10 PM.

1. Approval of the Minutes for:

a. Executive Session of 01/08/18:

On the motion of Councilmember Gulyas, the Executive Session minutes of January 8, 2018 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 01/08/18:

Mayor Williams read the Statement of Closure.

On the motion of Vice-President Brittingham, the Statement of Closure 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

c. Regular Session of 01/08/18:

On the motion of Councilmember Gulyas, the Regular Session Minutes of January 8, 2018 were approved by the following vote:

Name	Counted toward Quorum

	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

Mayor Williams then advised the public of our new sign-in sheet. He stated that it is not to invade privacy, it is for accuracy and following up on matters if you'd like to speak at the meetings.

2. Announcement of the 150<sup>th</sup> Berlin Anniversary Logo Winner – Economic and Community Development Director Ivy Wells

Ms. Wells stated that there were 31 entries into the logo contest and a panel selected their top ten logos which were then brought to the Town Administrator and ultimately the Mayor. The winner is Todd Jones Prettyman; Ms. Wells then read his bio. The logo will be printed on souvenirs, the route 50 Berlin sign, and banners. There will be a 150<sup>th</sup> Anniversary celebration in conjunction with Oktoberfest. Mayor Williams suggested we post the logo at all events this year.

3. Worcester Youth and Family Presentation – Executive Director Steven Taylor

Mr. Taylor presented information on Worcester Youth and Family and advised the Council that there is a new Youth Program Coordinator Austin Piccarreta who is also present; Amanda is now a mental health counselor in the program. The Mayor and Council thanked Mr. Taylor, Ms. Piccarreta, and Worcester Youth and Family for their hard work and for keeping the children safe and occupied. They said they know how much the kids enjoy the program. Mr. Taylor thanked the Council and Town Administrator Laura Allen for a good working relationship.

4. Motion 2018-02: Tennis Courts Contract Award – Town Administrator Laura Allen

Ms. Allen stated that this project has come in many parts, the original grant amount would not cover the full costs, so they needed to see where they could shave costs. The staff recommends multiple contracts: Terra Firma of Delmarva, Inc. in an amount not to exceed \$84,798; Cunningham Recreation in the amount of \$11,738; Grasso Fence Co. in the amount of \$59,838; and the use of reserve funds in the amount of \$17,614. There is one other possible reduction of costs, but the staff does not recommend it, it would be to remove the vinyl coating on the fence, but it would not be aesthetically pleasing and would eventually rust. Chairman of the Parks Commission Mike Wiley stated that they fully support the staff report and thanked Ms. Allen and Ms. Bohlen for their work on the project. Ms. Allen stated that Patricia Dufendach wrote a letter of support and Ms. Allen read it aloud. Josh Taylor with DBF was present if anyone had any questions about the project. Councilmember Tyndall said he is glad to see that the costs have decreased.

On the motion of Councilmember Tyndall, Motion 2018-02 was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

5. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh had nothing to report.

b. Electric Utility Director – Tim Lawrence

Mr. Lawrence reported that they have installed and tested the transformer and primary at Atlantic General Hospital's Cancer Center. At the savage sub-station, they had some issues with the circuit relay system, but it was under warranty. Asplundh has been removing trees in the area, they are almost complete. They installed service at 9948 Main Street Unit six, and at the new Library. Mayor Williams asked how many times we needed to generate this winter; Mr. Lawrence said he was not sure off hand, but they have run a few times and had many potential runs. Mr. Lawrence added that Bay Diesel will be out tomorrow to repair the intakes on the number two engine.

c. Police Chief – Arnold Downing

Chief Downing had nothing to report.

d. Planning and Zoning Director – David Engelhart

Mr. Engelhart updated the Council on the Henry Park Restrooms and stated that Green Flush is hopeful they can have the restrooms here by Friday if everything lines up and warm temperatures hold.

e. Economic and Community Development Director – Ivy Wells

Ms. Wells reported that tomorrow at 11am at the Welcome Center there will be a ceremony for the donation of Mr. Jesses bathtub racer that the Bakers donated. She would like to fill the tub with shoes in honor of Mr. Jesse and donate the shoes to Diakonia. She thanked Mr. Dave Wheaton for his work on repairing the bathtub. She is working on wayfinding signs, they will first install signs downtown and work their way to the outskirts of town. On February 10, 2018 at the Welcome Center, kids are welcomed to decorate bags for Valentine's day and the businesses and restaurants will be handing out treats. Mayor Williams asked how we will advertise for that; Ms. Wells stated that she will post it on social media and inform the schools. She also reported that Inca Ruins will be closing, but their goods will be sold in other stores in town. Berlin Florist (previously Rainbow Florist) will be moving into the Inca Ruins location. Attics of My Life will be moving into the Bayside Gazette Building. Nest will be closing and there is a waitlist on businesses interested in that location, she will be working with Pat Vorsteg on filling that location. Lastly, she will be on vacation from Wednesday to Monday.

f. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood had nothing to report.

6. Town Administrator's Report – Laura Allen

Ms. Allen stated that they toured the new Library today and she wanted to thank Library Director Jennifer Ranck, Ron Casio from the Library Board, and Whiting Turner for allowing them to tour the facility. Mayor Williams stated that it was much larger inside than it looks and their meeting room can accommodate 100 people. Councilmember Tyndall stated that it was very impressive and he cannot wait to see it completed.

7. Comments from the Mayor – none.

8. Comments from the Council:

Vice-President Brittingham stated that a teacher informed him of potholes from Flower Street to Stephen Decatur Middle School and would like us to see if they are in town limits or county limits; Town Administrator Laura Allen stated that she will check on it.

9. Comments from the Audience:

Jack Orris asked for an update on the bike path. Mayor Williams stated that they have grant funding for the design plans and asked Planning and Zoning Director David Engelhart to explain where we stand. Mr. Engelhart stated that the bikeways program is through MDOT and DBF has started the concept plans, the surveys are done, so they are about 50-60% complete with the design phase. Mayor Williams asked if we knew of future plans at this point; Mr. Engelhart stated that it will likely be done in three phases and they will apply for grants in 2019. Mayor Williams said the state is fully behind the project. Councilmember Tyndall asked if we have an easement for the east-west line of the railroads; Mayor Williams said we do not.

10. Comments from the Press – none.

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:20PM.

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,



Kelsey Jensen  
Administrative Assistant

## Presentation:

Atlantic General Hospital Annual Update  
– President/CEO Michael Franklin



**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: <del>8/23/17</del> <u>8/31/17</u>	Event Start time: <u>10am</u>	Road Closure Start: <u>/</u>
Requested Date(s) of the event: <u>June 16, 2018</u> <u>Saturday</u>	End time: <u>5 pm</u>	End: <u>/</u>
Name of Event: <u>Zenna Fest</u>	Location of Event: <u>Stephen Decatur Park*</u> <small>*If activity is in a Town park, a Parks Reservation form must be complete.</small>	
Estimated number of attendees: <u>100+</u>	Applicant Cell Phone: <u>443 373 7069</u>	
Applicant Name: <u>Chrissy Ehrhart</u>	Email: <u>Zennawellness Berlin@gmail.com</u>	
Sponsoring Organization or Business Name: <u>Zenna Wellness</u>	Name: <u>CHRISSEY EHRHART</u> Cell # <u>443-373-7069</u> Name: <u>JERI STREET</u> Cell # <u>410 430-10581</u>	
Description of event: <u>A Yoga + Healing Arts festival w/ vendors, demos</u> <u>edible plant walks, tai chi, live music, healthy food vendors</u> <u>also hosting the Blessing of the wheels that day</u> If fundraiser, please indicate the benefit: _____		
How many and what types of vendors (ex. Food, craft, art, klds activity, etc.) <u>20 vendors or more</u> <u>Non-Profit is Assateague Island Alliance</u>		
Will there be live music or a DJ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, what type of music <u>folk / Funk / Meditative</u>		
What is your plan for the following: Marketing/Advertising: <u>Email, facebook, local +</u> <u>distant newspaper, tv advertising</u>		
Parking/Shuttle: _____		
Inclement weather: _____		
<p>The event sponsor hereby agrees to the following conditions:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>		
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: <u>[Signature]</u>	Date: <u>8/31/17</u>	
Printed Name: <u>CHRISSEY EHRHART</u>		



**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 will also be required.

Name of Business: Zenna Wellness Studio Agent/Responsible Party: CHRissy EHREHART  
(Individual Person must be identified)

Address 10 Main Street Phone #: (W) 410 373 7069 (C) same  
Berlin MD 21811 Email: zennawellnessberlin@gmail.com

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

Purpose of Facility Use: yoga / meditation / healing Arts Festival / Blessing of the wheels

Requested Days/Times of Use: June 16, 2016 Saturday 10am to 5

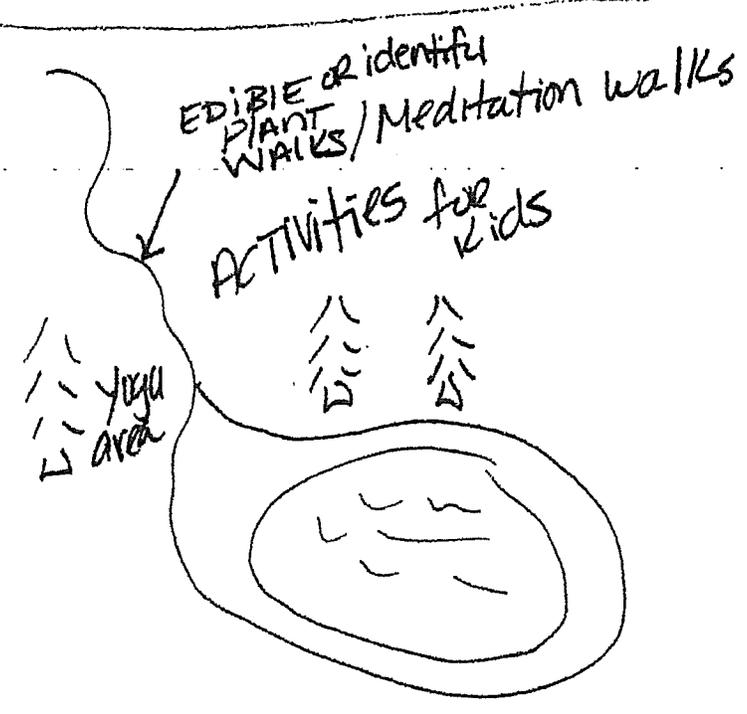
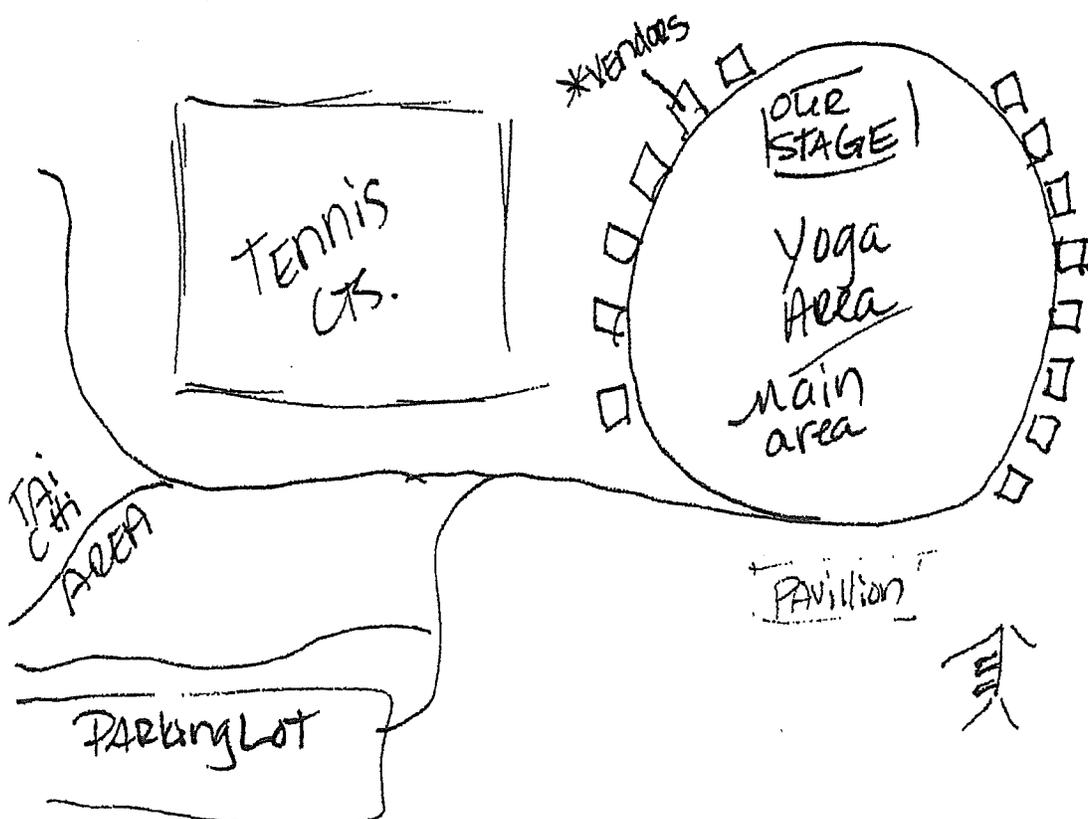
# of Persons Expected to participate in activity/event 100 or more (including vendors + volunteers)

List all individuals/employees who may/will conduct the business activity:

1) <u>Christine Ehrehart</u>	6) <u>STEPHANIE / Brian Rascka</u>
2) <u>Gussie Sholts</u>	7)
3) <u>TERRI STREET</u>	8)
4) <u>TANA MARTIN</u>	9)
5) <u>Eddie McGlinckey</u>	10)

Please add any other information relevant to this application: Non-profit is Absateague Island Alliance

Reverse must be completed and signed.





**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: 8-31-17

Event start time: 10am

Date(s) of the event: June 16, 2018

Event end time: 5pm

Name of Event: Zennafest

Number of vendors/activities needing electric service: 5-6

Contact Name: Chassy Ehrhart

Contact Phone (Day): 443-373-7069

Sponsoring Organization: Zenna Wellness

Email: zenna.wellness.berlin@gmail.com

Signature: Christie Ehrhart

Date: 8/23/18

Printed Name: Christine Ehrhart

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.**

Vendor: DJ or Music Phone: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	_____	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: Paulson  
(determined w/Electric Department)

Vendor: Real Raw Phone: \_\_\_\_\_

Primary Contact: Logan

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	<input checked="" type="checkbox"/>	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: \_\_\_\_\_  
(determined w/Electric Department)

Vendor: \_\_\_\_\_ Phone: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	_____	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: \_\_\_\_\_  
(determined w/Electric Department)

Vendor: Blacksouth Phone: \_\_\_\_\_

Primary Contact: Justine

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	<input checked="" type="checkbox"/>	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: \_\_\_\_\_  
(determined w/Electric Department)

Vendor: \_\_\_\_\_ Phone: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	_____	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: \_\_\_\_\_  
(determined w/Electric Department)

Vendor: \_\_\_\_\_ Phone: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Vendor Type: \_\_\_\_\_

Load Information

Lighting	_____	KW
Cooking	_____	KW
Water Heating	_____	KW
Miscellaneous	_____	KW
Specify Unusual Motors	_____	KW
Other: _____	_____	KW
Total Load	_____	KW
Specify Voltage	_____	KW

Location of Service: \_\_\_\_\_  
(determined w/Electric Department)



**SPECIAL EVENT  
REQUEST TO HANG BANNER**



This form is in addition to the "Town Street Closure/Request for Services form". Banners to be hung must meet the specifications listed below. 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: 8/31/17

Date(s) of the event: June 16, 2018

Dates banners to be hung: \_\_\_\_\_ to \_\_\_\_\_

Please note: Hanging of banners is dependent on a number of factors, including weather, availability of personnel/equipment, and placement of banners for other events.

Name of Event: Zenna Fest

Contact Name: Chrissy Ehrhart

Contact Phone (Day): 443-373-7069

Sponsoring Organization: Zenna Wellness

Email: Zenna.wellness.berlin@gmail.com

Signature: Christine Ehrhart

Date: 1/28/18

Printed Name: Christine Ehrhart

**Banner Specifications:**

1. Must be made of a strong, durable material with wind stabilizing holes cut into it.
2. Must have grommets every 2' along the top and bottom
3. Must not exceed 25' in length and be between 34" and 36" in width.

**Available Locations:** please check desired location(s)

- North Main & Harrison Ave (near Fire Company)
- South Main & Buckingham (near Worcester Preparatory)
- Bay & Flower Street
- William Street

**NOTE:**

1. Suitable locations for banners are limited; the Town of Berlin cannot hang banners on private property/private owned structures, poles, etc.
1. The Berlin Electric Department reserves the right to refuse to hang any banner for any reason within their discretion.
2. It is the responsibility of the organization to purchase and supply the banner(s).
3. The organization is responsible for delivering the banner to the Berlin Electric Department and for picking-up the banner after display. Banners not picked up within 30 days following the date of the event may be destroyed/disposed of.

**Questions:**

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

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

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## TOWN OF BERLIN PARK FACILITY 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: 8/31/17

EVENT/ACTIVITY DATE: 6/16/18 TIME FROM: 10 TO: 5  
Anticipated # of attendees 100+

NAME: Christine ERHART

ADDRESS: 4 Powellton Ave  
Berlin MD 21811

PHONE: 443 373 7069

EMAIL: Zerrowellnessberlin@gmail

ORGANIZATION: Zerrowellness  
(IF APPLICABLE)

WILL EVENT INVOLVE SALE OF GOODS OR SERVICES:  YES  NO  
If yes, Business Use of Park Application must be completed and approved by the Mayor and Council. Form must be submitted no less than 60 days prior to the event.

DESCRIPTION OF EVENT/ACTIVITY: Ukaling Arts Festival

**FACILITY REQUESTED-Check all that apply**

<p><b>Dr. William Edward Henry Park, Flower Street:</b></p> <p><input type="checkbox"/> Pavillon: # days _____ X \$50.00 = \$ _____</p> <p><input type="checkbox"/> Electric: # days _____ X \$10.00 = \$ _____ (pavillon only)</p> <p><input type="checkbox"/> Basketball Courts: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 #courts _____ X # days _____ X \$50.00 = \$ _____</p> <p><b>TOTAL DUE: \$ _____</b></p>	<p><b>Stephen Decatur Park, Tripoli Street:</b></p> <p><input type="checkbox"/> Pavillon: # days <u>1</u> X \$50.00 = \$ _____</p> <p><input type="checkbox"/> Electric: # days <u>1</u> X \$10.00 = \$ _____ (pavillon only)</p> <p><input type="checkbox"/> Tennis Courts: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 #courts _____ X # days <u>1</u> X \$50.00 = \$ _____</p> <p><b>TOTAL DUE: \$ <del>225</del> 60</b></p>
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Note \$25.00 per facility/per day will be returned to user if left in good condition after use.

All individuals and organizations are responsible for payment of this fee in full to hold the requested date. A waiver of this fee can only be granted by the Mayor and Council; request must be submitted no later than the close of business the Wednesday preceding a Mayor and Council Meeting prior to the reservation date.

**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: [Signature] Date: 8/31/17

Office Use:	Clerk: _____	Deposit Pd: \$ _____	Date: \$ _____	Refund: <input type="checkbox"/> YES <input type="checkbox"/> NO	Date: _____
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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 will also be required.

Name of Business: Zenna Wellness Studio Agent/Responsible Party: CHRISSEY EHRHART  
(Individual Person must be Identified)

Address 10 Main Street Phone #: (W) 443 373 7009 (C) same

Berlin MD 21811 Email: zennawellnessberlin@gmail.com

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

Purpose of Facility Use: yoga / meditation / healing Arts Festival / Blessing of the wheels

Requested Days/Times of Use: June 16, 2018 Saturday 10am TO 5

# of Persons Expected to participate in activity/event: 100 or more (including vendors + volunteers)

List all individuals/employees who may/will conduct the business activity:

1) <u>Christine Ehrhart</u>	6) <u>STEPHANIE / Brian Rascka</u>
2) <u>Gussie Shalts</u>	7)
3) <u>TERRI STREET</u>	8)
4) <u>TANA Martin</u>	9)
5) <u>Eddie McGlinckey</u>	10)

Please add any other information relevant to this application:

Non-profit is SURE GIMP

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.

Signature: Christine Ehrhart Date: 8/31/17

Printed Name: CHRISTINE EHRHART

Office Use Only: Date Rec'd: _____ Initials: _____
Approved by the Mayor and Council of the Town of Berlin on the _____ day of _____.
_____ For to _____ Opposed with _____ Abstaining
Additional Conditions/Notations:
_____
_____
_____



MOTION OF THE MAYOR AND COUNCIL 2018-03

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING 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.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED, WITH \_\_\_\_ ABSTAINING, AND \_\_\_\_ ABSENT.

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018 by the Mayor of the Town of Berlin.

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

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



# STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Town Administrator Laura Allen *LA*  
**Date:** February 12, 2018  
**Subject:** PJM Risk Management Policy

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## RECOMMENDATION

Staff recommends the Council adopt a motion restating the Town's PJM Risk Management Policy, and re-authorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission.

## EXECUTIVE SUMMARY

As a PJM<sup>1</sup> member, the Town is required to maintain a Risk Management Policy which covers its transactions in the energy market and its PJM activities. On the advice of the Town's Electric Utility attorney, staff also recommends the Council re-authorize the Town Administrator to serve as the Town's representative at Maryland Public Service Commission hearings and to take actions there on its behalf related to the proceedings.

## FISCAL IMPACT

There is no direct fiscal impact associated with this activity.

## ANALYSIS

The Policy was revised in 2015 after the Town joined American Municipal Power (AMP) to address the usage of financial transmission rights<sup>2</sup> (FTRs) to hedge energy congestion<sup>3</sup> risk and to include AMP as a possible source of assistance under the Procedure section.

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<sup>1</sup> PJM is a Regional Transmission Organization (RTO) in the United States. It is part of the Eastern Interconnection grid operating an electric transmission system serving all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia

<sup>2</sup> A Financial Transmission Right (FTR) is a financial instrument awarded to bidders in the FTR Auctions that entitle the holder to a stream of revenues (or charges) based on the hourly Day Ahead congestion price differences across the path.

<sup>3</sup> Heavy use of the electricity grid produces congestion, a situation in which the lowest-priced electricity can't flow freely to a specific area. When the lowest-priced electricity can reach all locations, prices are

## CONCLUSION

Staff recommends the Council adopt a motion restating the Town's PJM Risk Management Policy, and re-authorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission.

Attachment  
A. Policy

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the same across the entire PJM grid. When there is heavy use of the transmission system, the lowest-priced energy cannot flow freely to some locations. In that case, more-expensive but advantageously located electricity is ordered to meet that demand. As a result, the locational marginal prices are higher on the receiving end of the congestion and lower on the sending end.

## **Mayor and Council of the Town of Berlin, Maryland**

### **PJM Risk Management Policy**

**Revised April 27, 2015**

#### **Policy:**

Participation on behalf of the Town in PJM markets will be limited to, procurement of financial transmission rights (FTRs) using the annual and monthly auctions with the sole purpose to hedge congestion risk, make arrangements for Network Integration Transmission Service (NITS) and associated Ancillary Service, capacity obligations (Locational Reliability) functions necessary to maintain the Town's membership in PJM in good standing. Such activities will include participation in the annual process for requesting load-serving transmission credits (Auction Revenue Rights) to offset a portion of NITS charges. The Town does not authorize participation on its behalf in any other PJM market activities, unless specifically authorized in writing by the Mayor and Council in advance.

#### **Procedure:**

The Town Administrator is authorized to act on the Town's behalf in transactions with PJM within the limits of the Town's Policy. Assistance may be provided under the Town Administrator's direction by the Town's electrical consultant or through the Town's membership in American Municipal Power (AMP). The Town Administrator will report on PJM activities to the Mayor and Council periodically, but not less than quarterly, including a summary of PJM expenses and outstanding commitments.

#### **Control:**

The Town does not authorize participation in PJM's energy hedging markets in the normal course of operations under this Policy. PJM activities are limited to those transactions necessary to provide for delivery of energy to the Town, satisfy the Town's capacity obligation to PJM, reduce congestion risk, and maintain the Town's membership in PJM in good standing. Such activities will be conducted by or under the direction of the Town Administrator with regular reporting to the Mayor and Council.



**MOTION OF THE MAYOR AND COUNCIL 2018-04**

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BETTS AND HOLT, LLP FOR LEGAL SERVICES REGARDING THE ELECTRIC DEPARTMENT AND OTHER ENERGY RELATED MATTERS.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED, WITH \_\_\_\_ ABSTAINING, AND \_\_\_\_ ABSENT.

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018 by the Mayor of the Town of Berlin.

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

ATTEST: \_\_\_\_\_

Laura Allen  
Town Administrator



# STAFF REPORT

**To:** Mayor and Members of the Town Council

**From:** Town Administrator Laura Allen 

**Date:** February 12, 2018

**Subject:** Revised Betts & Holt LLP Agreement

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## RECOMMENDATION

Staff recommends the Council adopt a motion approving the revised Betts & Holt Agreement.

## EXECUTIVE SUMMARY

The Town has worked with Betts & Holt to address a variety of legal issues associated with the Town's electric utility since 2011. The firm has provided excellent service, assisting the Town with wholesale electricity procurement, negotiation of Master Power Purchase and Sale Agreements as well as Confirmation Letters for the delivery of power and energy. Betts & Holt also provides legal advice regarding Public Service Commission hearings and related processes.

The revised Agreement expands the types of services Betts & Holts will provide to specifically include other forms of energy such as natural gas and solar. The updated agreement also enables Betts & Holts to advise the Town on energy related franchise agreements. There is no rate increase proposed in the updated Agreement.

## FISCAL IMPACT

The Town has spent an average of \$21,500 on these services over the past two fiscal years. Approving the revised Agreement will not negatively impact the Berlin Electric's budget.

## ANALYSIS

In 2011, the Town entered into an Agreement with Betts & Holt LLP to assist with the procurement of electricity and to serve as special counsel for electric matters. The Council authorized the Mayor to enter into a revised agreement with Betts & Holt in December 2013 and in 2016, which included a rate increase. The rate for the attorneys increased from \$320 per hour to \$350 per hour (\$30) but the rates for associates decreased from \$180 to \$160 (\$20) and legal assistants from \$90 to \$70 (\$20).

Betts & Holt LLP has expertise that Town staff does not

Betts & Holt represents a variety of public electricity consumers. The firm has expertise in the wholesale electricity markets and familiarity with federal transmission issues which Town staff does not.

Work is assigned to Betts & Holt on an as needed basis when their expertise is required.

Attachment:

- Revised Agreement

# BETTS & HOLT LLP

COUNSELLORS AT LAW

1100 17<sup>th</sup> STREET, NW • SUITE 901 • WASHINGTON, DC 20036

TELEPHONE 202.530.3380 • FAX 202.530.3389

February 2, 2018

Laura Allen ICMA-CM, CPFO  
Town Administrator  
Town of Berlin  
10 William Street  
Berlin, MD 21811

**RE: Special Counsel for Electric and Other Energy Related Matters**

Dear Ms. Allen:

In January 2016, the Town of Berlin authorized Betts & Holt LLP to continue to represent the Town of Berlin regarding legal matters concerning the electric utility and we entered into a retainer letter with the Town at that time. This letter refreshes that agreement, and serves as a special services contract that, if acceptable to Berlin, may be executed and returned to Betts & Holt LLP. We appreciate your confidence and look forward to continuing a rewarding professional relationship with you.

## Scope of Services

Betts & Holt LLP will serve as special counsel to the municipal electric utility of the Town of Berlin, Maryland. These services include matters related to wholesale electricity procurement, including additional future purchases from AMP or other providers. This could require the negotiation of Master Power Purchase and Sale Agreements and Confirmation Letters for delivery of power and energy in future periods, on either a full requirements or block purchase basis.

Betts & Holt LLP will assist Berlin with preparing testimony, providing data responses and negotiating arrangements related to the Purchased Power Cost Adjustment annual review at the Maryland Public Service Commission, Case No. 9508 and sub-dockets. Berlin plans to represent itself at the hearing, but if necessary Betts & Holt LLP attorneys can attend the hearing on behalf of Berlin. The budget for this work ranges from \$3,500 to \$7,000, depending on whether attendance at the hearing is required and whether any unfavorable appeals are filed.

In addition, Betts & Holt LLP may address other matters and issues that arise from time to time including franchise renewals, retail renewable energy issues such as solar installations, questions and concerns related to retail demand response, transmission support to Berlin, pole attachment fees, and other matters that may arise affecting Berlin's supply and distribution of electricity or other energy related matters.

### **Provider of Services**

Betts & Holt LLP, a partnership located at 1100 17<sup>th</sup> St., Suite 901, Washington, DC 20036, will serve as special counsel to Berlin and, in that capacity, provide legal counsel, professional advice, and representation in the matters described above under Scope of Services and with such other matters as may be assigned or authorized by Berlin. The Firm is AV rated, which signifies the highest level of legal ability and very high adherence to the professional standards of conduct, ethics, reliability, and diligence, and it is listed in The Bar Register of Preeminent Lawyers.

### **Communications**

Jill Barker, a senior attorney with the Firm, will act as lead counsel with Kirk Howard Betts and Mary-Kate Rigney. We expect to maintain a "lean" representation.

We will provide you copies of all documents that we prepare or receive. In the event that a document that we prepare is confidential in nature, we will seek your consent before sending it to anyone else.

We will prepare periodic status report to the Town of Berlin as you direct.

We will respond to your telephone calls and e-mails promptly. The telephone number for Betts & Holt LLP is 202-530-3380; our e-mail addresses are [kbetts@bettsandholt.com](mailto:kbetts@bettsandholt.com), [jimb@bettsandholt.com](mailto:jimb@bettsandholt.com) and [mkrigney@bettsandholt.com](mailto:mkrigney@bettsandholt.com).

### **Professional Fees**

Our fees will not exceed \$350 an hour for partners (Mr. Betts), \$350 an hour for Of Counsel (Ms. Barker), \$165 an hour for associates, and \$70 for legal assistants during 2018.

Expenses associated with the representation (long-distance telephone, travel to the Town, meals and lodging while traveling, postage, photocopying, and on-line research costs) are considered to be reimbursable.

Our customary practice is to bill for time and expenses on a monthly basis. Remittance within 30 days is expected. If Berlin has specific practices or procedures that would make the billing process more convenient, please let us know.

### **Relevant Experience and Qualifications**

A Firm profile and biographical sketches for each attorney involved in this representation are enclosed.

February 2, 2018

Page 3

Betts & Holt LLP represents a variety of public electricity consumers. It has represented the Public Power Association of New Jersey ("PPANJ") since the Firm was formed in 1996, although attorneys of the firm have represented PPANJ since 1986. Similarly, Betts & Holt LLP has represented individual members of the PPANJ in electricity procurement issues and other FERC matters since 1996. The PPANJ membership consists of the City of Vineland, NJ, Sussex Rural Electric Cooperative and eight other municipal utilities in New Jersey. Other public entities represented by Betts & Holt LLP include the City of Dover, Delaware since 1996, the Cities of Natchitoches, Ruston and Minden, Louisiana since 2000, and the District of Columbia Water and Sewer Authority from 2004 through 2008 and again from 2013 to 2015. Betts & Holt LLP represented the University of Maryland, College Park in electricity matters (1996 through 2007) and the City of Lincoln, Nebraska and Missouri River Energy Services (2004 to 2006) regarding natural gas matters. Betts & Holt LLP also represented the Town of Moreau, NY (2003 - 2004) and the City of Alma, Michigan (ending in 2001) regarding municipalization. The firm has represented Blue Ridge Power Agency, ending in 2000, the Delaware Municipal Electric Corporation and three of its members, Newark, New Castle, and Lewes, Delaware.

We look forward to working with you. Kindly acknowledge and return the enclosed copy of this letter to confirm the terms of our engagement.

Faithfully yours,

BETTS & HOLT LLP



by Kirk Howard Betts

Accepted:

\_\_\_\_\_ Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Town of Berlin, Maryland

Enclosures