



BERLIN MAYOR AND COUNCIL
Meeting Agenda

Berlin Town Hall
10 William Street
Monday, January 28, 2019

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 01/14/19
 - b. Statement of Closure for Executive Session of 01/14/19
 - c. Regular Session of 01/14/19
2. Berlin Fire Company presentation of quarterly financial report – David Fitzgerald, BFC President
3. Resolution 2019-01: Resolution adopting the revisions to the Nonprofit Grant Policy as recommended – Administrative Services Director Mary Bohlen
4. Departmental Reports:
 - a. Finance Director – Natalie Saleh
 - b. Administrative Services Director – Mary Bohlen
 - c. Water Resources/Public Works – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Chief – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Economic and Community Development – Ivy Wells
 - h. Managing Director – Jeff Fleetwood
5. Town Administrator's Report – Jeff Fleetwood on behalf of Laura Allen
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public
9. Comments from the Press
10. Adjournment

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

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BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, January 14, 2019

Agenda Item # **1c**

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

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

Absent: Councilmember Troy Purnell.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Water Resources/Public Works Director Jane Kreiter, Police Lt. Robert Fisher, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, and Town Attorney David Gaskill.

Staff Absent: Finance Director Natalie Saleh, Economic Development Director Ivy Wells and Town Clerk 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 12/10/18:

On the motion of Councilmember Gulyas, the Executive Session minutes of December 10, 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 12/10/18:

Mayor Williams read the Statement of Closure.

c. Regular Session of 12/10/18:

On the motion of Councilmember Gulyas, the Regular Session Minutes of December 10, 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

2. Swearing in Board Member

Mayor Williams conducted the swearing-in of Mr. Jeff Ricks to the Housing Board of Review.

3. Berlin Falls Park

a. Update

Project Coordinator David Deutsch reviewed what has occurred to date on the Berlin Falls Park Project. He noted that the Advisory Committee has had meetings/discussions with Salisbury University, Worcester County Recreation and Parks, and the regional YMCA, among others. Discussion has been held regarding coyotes on the property, and resolution of the buildings. A bid process has been started for destruction of the majority of the buildings (not including the main processing plant building) with award expected in February. He noted that the Advisory Committee will meet on Thursday, January 17, 2019 at 6 PM. Mayor Williams thanked Mr. Deutsch and the committee for the work this past year and noted that this will be an ongoing project for some time.

b. Motion 2019-01: Approving YMCA Feasibility Study in the amount of \$20,000.

Ms. Allen and Mr. Deutsch reviewed previous discussions with representatives of the YMCA. Discussion followed regarding the need to get information on what the local community needs, wants and will support and what format a survey would take. Mr. Deutsch noted that the survey would be primarily done by phone and discussion followed regarding other methods of outreach. It was noted that the potential location of a YMCA would be part of the feasibility study, but that fundraising for the project would not be part of the process at this point. Discussion followed regarding how typical agreements for land use were handled by the YMCA. It was requested that additional information regarding the survey including sought-after information and selection of participants. Mr. Deutsch noted agreements local YMCAs had in other communities. Additional discussion followed regarding discussions with the Worcester County Recreation and Parks Department and Mr. Deutsch noted that only generalities had been discussed to date. Councilmember Gulyas asked for information regarding the benefit to the Town. He also offered to print surveys for distribution, but it was noted that the received data would still need to be compiled.

Councilmember Tyndall moved to table the discussion pending more information. Discussion continued, and Mayor Williams indicated that specific questions and concerns be directed to Ms. Allen. Mayor Williams called Councilmember Tyndall's motion to table contingent on the receipt of additional information and approval was as follows:

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				
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Councilmember Burrell asked if the feasibility study was budgeted and Ms. Allen indicated that the funding was from the bond.

4. Motion 2019-02: Approving Septage Disposal Rate Increase

Ms. Allen discussed the motion for a proposed increase from \$.06 to \$.07 per gallon. She reviewed the predicted revenue increase and other considerations. Councilmember Gulyas asked Ms. Kreiter if there were other plants that haulers could use, and her answer was that they could go to other communities, but Berlin was the only one in Northern Worcester County. Following brief discussion, Councilmember Brittingham moved to approve the motion as presented and approval was as follows:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell					X
Thom Gulyas	X				
Zackery Tyndall	X				
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5. Departmental Reports:

a. Administrative Services Director – Mary Bohlen

Ms. Bohlen noted that the Tennis Court Project in Stephen Decatur Park was complete and thus far all feedback had been very positive.

b. Water Resources/Public Works Director – Jane Kreiter

Ms. Kreiter brought the Mayor and Council's attention to the Capacity Management Review noting that the Town is at approximately 64% of capacity (not counting reserves) and that discussion regarding potential expansion of the plant would be recommended when capacity reached 80%.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence noted that the new town clock had been installed on N. Main Street; the new clock was LED with automatic reset in case of power loss. He also reviewed several recent projects of the utility. Councilmember Brittingham asked for clarification of how far the Town line extends beyond the Town limits on Flower Street and Mr. Lawrence indicated that the line terminated near the landfill entrance but noted that properties along that line were not necessarily Town Electric customers.

d. Police Chief – Arnold Downing (joined the meeting in progress at 8:20 PM)

Chief Downing reviewed the recent recipients' of 2018 awards and commendations. Mayor Williams offered his thanks and congratulations to the officers.

e. Planning and Zoning Director – David Engelhart

Mr. Engelhart noted that he had recently attended grant training on Heritage areas. He indicated that the Historic District Commission would be meeting on January 16, 2019 at 5:30 PM for a Worksession to review the inventory of historic buildings in the Town with the goal of potential revisions to the Town Code.

f. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood had nothing to report.

6. Town Administrator's Report – Laura Allen

Ms. Allen had nothing to report.

7. Comments from the Mayor:
Mayor Williams had no comments.

8. Comments from the Council:
Councilmember Gulyas had no comments.

Councilmember Tyndall had no comments.

Vice-President Brittingham had no comments.

Councilmember Burrell echoed Mayor Williams comments regarding the Police Department awards.

9. Comments from the Audience – none.

Ms. Pam Hay of Walnut Hill Drive appeared before the Mayor and Council to discuss two concerns. The first was regarding the enforcement of the leash law. She noted several incidents that she was aware of in which leashed dogs had been attacked by unleashed dogs. Discussion followed regarding this issue.

Ms. Hay also indicated that, in her opinion, Airbnb's were a problem in the Town. Brief discussion followed regarding this issue.

Mr. DJ Lockwood, Chair of the Berlin Community Improvement Association, which owns the Multi-Purpose Building on Flower Street, appeared before the Mayor and Council to discuss the potential transfer of the building to the Mayor and Council. He indicated that a feasibility study would be very helpful in determining how to proceed with the project.

10. Comments from the Press – none.

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:50 PM.

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

Respectfully Submitted,

Mary T. Bohlen
Administrative Services Director

Presentations:

Berlin Fire Company presentation of quarterly financial report – David Fitzgerald, BFC President



RESOLUTION NO. 2019-01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ESTABLISHING A NON-PROFIT GRANT PROCESS

WHEREAS, The Mayor and Council realize the *Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide; and

WHEREAS, *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence; and

WHEREAS, *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need; and

WHEREAS, *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from this policy*. The Mayor and Council have determined that the services provided by these organizations warrant a different approach; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows: That the purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.

Non- Profit Grants Process

1. Purpose and Findings

- (a) The purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.
- (b) The Mayor and Council making the following findings:
 - (1) *The Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide.
 - (2) *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence.
 - (3) *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need.
 - (4) *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from*

this policy. The Mayor and Council have determined that the services provided by these organizations warrant a different approach.

2. Criteria for Approving Grants

(a) Purposes. The Town Council may appropriate money from the General Fund for any of the following purposes:

- (1) When there is an identifiable benefit to the Town or the community at large;
- (2) When the recipient organization provides a service that complements or enhances a service that the Town of Berlin also provides to its residents or businesses; or
- (3) When the recipient organization provides a service that the Town could provide to its residents or businesses but chooses not to.

(b) Accessibility. In determining whether a recipient organization's services are readily available to Berlin residents or businesses, the Town Council may consider:

- (1) The number of Berlin residents or businesses served by the organization in the years prior to the grant application;
- (2) The location(s) where Berlin residents or businesses may receive the recipient organization's services or programs; and
- (3) The nature and extent of the efforts of the recipient organization to reach out to Berlin residents and businesses.

(c) Rough Proportionality. The amount of each grant must be roughly proportional to the benefit provided by the organization to the Town or its residents and businesses.

3. Funding Categories

Provided that the appropriation complies with subsection 2 (a) and is for at least one of the purposes in subsection 2 (b), the Town Council may appropriate money from the General Fund for programs or projects that meet one or more of the following criteria:

- (1) Provide shelter, food, or clothing to persons in need of those programs (Necessities of Life);
- (2) Provide physical or mental health services to persons with special needs (Integrated Care Services);
- (3) Educate residents (Education);
- (4) Provide a service that supports, complements or enhances a service or program that the Town of Berlin provides to its residents or businesses (Complementary Services).

4. Eligible Organizations; Rough Proportionality Required

(a) Grants may only be made to a governmental entity; an organization that is organized and operated exclusively for charitable, literary, scientific, or educational purposes and is exempt from tax under Internal Revenue Code section 501(c)(3); or, a chamber of commerce that is exempt from tax under Internal Revenue Code section 501(c)(6).

(b) For an organization to be eligible:

- (1) The organization must have certification of non-profit status under the IRS Code section(s) indicated above.
- (2) The organization must be a “Business in Good Standing” with the Maryland Department of Assessments and Taxation.
- (3) The organization must be a registered charity with the State of Maryland and provide a valid charity ID number on the required forms.
- (4) The organization's mission must include providing a public benefit to the residents or businesses within the municipal boundaries of the Town of Berlin;
- (5) The organization must have policies and procedures to ensure that the terms and conditions of all grants are satisfied.

5. Grant Limitations

- (a) Grants cannot be used to fund existing obligations, debts or liabilities.
- (b) Grants are made with the understanding that the Town has no obligation or commitment to provide any additional support to the grantee in current or future years.
- (c) Grants cannot be used to support faith-based organizations.
- (d) Town funds should not be used to support national and regional charities; instead, they should be supported by individual and corporate donations.
- (e) Grants may not be used for any political campaign or to support attempts to influence the legislature or any governmental body other than through making available the results of nonpartisan analysis, study and research.
- (f) The grantee shall not discriminate on the basis of race, color, religion, gender, age, weight, height, sexual orientation, marital status, national origin, disability or other characteristic protected by law.

6. Request for Determination of Eligibility for Grant Funding

- (a) An applicant shall first submit a request for determination of eligibility for grant funding on a form prescribed by the Town Administrator, which shall state the following:
 - (1) Organizational Information, preferably no longer than one page, summarizing the organization's history, mission, goals, current programs, and the population served;
 - (2) A description of the Town population served by the organization;
 - (3) A certification that the organization is not in litigation nor does it anticipate pending litigation from any member of a protected class; and
 - (4) Policies and procedures adopted by the organization to ensure that the terms and conditions of all grants are satisfied.

(b) The Request for Determination of Eligibility shall be accompanied by documentation of the organization's eligibility, i.e.:

- (1) An IRS letter of tax exemption under IRC sections 501(c)(3) for charitable organizations;
- (2) An IRS letter of tax exemption under IRC section 501(c)(6), for chambers of commerce; or
- (3) Articles of Incorporation, statutory reference, or similar documentation, for a governmental entity.
- (4) Valid Maryland Charity ID Number.
- (5) Written proof the organization is in good standing with the Maryland Department of Assessments and Taxation.

(c) The organization needs to file the foregoing information only once. Each year afterwards, the organization must verify that the information is still current and, if not, must update each item of new or changed information.

7. Grant Applications

An application for a charitable donation shall be made on a form prescribed by the Town Administrator and shall state the following:

- (1) Program or project title;
- (2) Purpose of the grant (not more than two sentences);
- (3) Timeline for accomplishing the project or program;
- (4) List of all previous requests to the Town within the previous five years;
- (5) Summary of the program or project, including an action plan and timetable for implementation;
- (6) A succinct statement of how the grant meets the criteria in Section 2 and how the Berlin community would benefit from this project;
- (7) Identity of partners in the project and their roles;
- (8) An evaluation plan that includes a description of how the applicant will define the success of the program or project;
- (9) A detailed budget for the program or project.

(b) Grant applications should be brief and to the point.

(c) A charitable organization must attach one copy of each of the following documents to the application:

- (1) Roster of current governing board members;

- (2) Annual operating budgets for the organization for the current year and the next year; and
- (3) If the organization is operating at a deficit, an explanation of cause of the deficit and what the organization is doing to eliminate expected year-end deficits.

8. Grant Application Timeline

- (a) On or before July 1 of each year, the Town Council may include in its budget for the upcoming fiscal year a total amount that may be granted and donated to charitable organizations and governmental entities in accordance with this subchapter.
- (b) During the period from August 1 to September 1 of each year, any eligible charitable organization or governmental entity may apply to the Town for a grant. Thereafter, the Town Administrator or his/her designee, shall notify each applicant whether its application is complete and the date when the Town Council will consider the application.
- (c) As soon thereafter as practical, the Town Council shall consider all applications for grants. Approved grants will be disbursed approximately 30 days after approval of the grant by the Town Council and execution of a Grant Agreement by the Grant Recipient.

9. Grant Agreement

- (a) The Grant Recipient must execute a Grant Agreement with the Town before any funds may be paid. The Grant Agreement shall include a statement of the goal or purpose of the Grant, a time within which the goal is expected to be achieved, and reporting requirements.
- (b) Failure to return a signed Grant Agreement within thirty (30) days of receipt from the Town shall constitute rejection or forfeiture of the grant.

10. Grant Reports

- (a) Within 90 days of completion of the program or project funded by a grant, or no later than June 30, whichever comes first, the Grant Recipient shall file a brief written report with the Town Administrator explaining:
 - (1) The extent to which the Grant Recipient reached the goals and objectives for the program or project;
 - (2) An evaluation of the program or project, including a description of the project or program's impact on the Town or its residents or businesses; and
 - (3) An explanation of how the grant funds were spent.
- (b) Grant Recipients may be asked to present their report to the Mayor and Council at a regular meeting.
- (c) The Town Administrator may, in the Grant Agreement, require that the Grant Recipient file an Interim Report.

11. Emergency or Disaster Relief

Notwithstanding anything to the contrary herein, the Town Council may provide financial aid or assistance for:

- (1) the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency declared by the President, if found to be in the public interest;
- (2) disaster relief in connection with a national or local emergency created by military attack or sabotage;
- (3) providing adequate national or local defense;
- (4) responding to a local emergency

12. Implementing Policies and Regulations

The Town Administrator is authorized and directed to establish procedures and regulations to implement this resolution.

Approved this _____ day of _____, 2018 by the Mayor and 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 and Town of Berlin.

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator



STAFF REPORT

To: Mayor and Members of the Town Council

From: Town Administrator Laura Allen 

Meeting Date: January 28, 2019

Subject: Nonprofit Grant Policy Revisions

RECOMMENDATION

Staff recommends the Mayor and Council adopt a Resolution revising the Nonprofit Grant Policy (attached).

EXECUTIVE SUMMARY

At its February 26, 2018 meeting the Mayor and Council approved a Nonprofit Grant Process which established an application procedure for nonprofit organizations seeking funding from the Town. In the FY 2019 Budget, the Mayor and Council allocated \$30,000 from the General Fund to fund this activity. The Town received applications in July and, on November 13, 2018 the Mayor and Council awarded funding to six of the organizations that applied.

Staff recommends the Mayor and Council change the policy based on lessons learned from the implementation of the new process last year. Specifically, the revised policy:

- a. Removes the eligibility for faith-based organizations,
- b. Eliminates community engagement and economic development from the list of eligible categories,
- c. Includes a requirement to provide the Maryland Charity ID number in compliance with state law, and
- d. Requires the business be in good standing with the Maryland Department of Assessments and taxation.

FISCAL IMPACT

This action has no material impact on the FY 19 Budget.

BACKGROUND

At its February 26, 2018 meeting the Mayor and Council approved a Nonprofit Grant Process which established an application procedure for nonprofit organizations seeking funding from the Town. In the FY 2019 Budget, the Mayor and Council allocated \$30,000 from the General Fund to this activity.

The Town Administrator and Administrative Services Director held an orientation with local nonprofits to explain the process and requirements. A sample agreement was provided to the attendees. The application process was promoted via direct email to nonprofit organizations funded by the Town and local newspapers.

The Town received ten applications in July totaling \$99,510. Four organizations did not meet the criteria required in the approved process to receive funding. Of the six remaining, the Mayor and Council determined in Executive Session on October 22, 2018 to fund Berlin Arts and Entertainment, Shirley Grace Pregnancy Center, Worcester County Commission on Aging, Worcester County Developmental Center, and Worcester County G.O.L.D.

On November 13, 2018 the Mayor and Council authorized the Town Administrator to enter into funding agreements with these six organizations.

CONCLUSION

Staff recommends the Mayor and Council adopt a Resolution revising the Nonprofit Grant Policy.

Attachment: Resolution



RESOLUTION NO. 2018 - 01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ESTABLISHING A NON-PROFIT GRANT PROCESS

WHEREAS, The Mayor and Council realize the *Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide; and

WHEREAS, *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence; and

WHEREAS, *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need; and

WHEREAS, *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from this policy*. The Mayor and Council have determined that the services provided by these organizations warrant a different approach; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows: That the purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.

Non- Profit Grants Process

1. Purpose and Findings

(a) The purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.

(b) The Mayor and Council making the following findings:

- (1) *The Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide.
- (2) *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence.
- (3) *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need.
- (4) *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of*

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Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from this policy. The Mayor and Council have determined that the services provided by these organizations warrant a different approach.

2. Criteria for Approving Grants

(a) Purposes. The Town Council may appropriate money from the General Fund for any of the following purposes:

- (1) When there is an identifiable benefit to the Town or the community at large;
- (2) When the recipient organization provides a service that complements or enhances a service that the Town of Berlin also provides to its residents or businesses; or
- (3) When the recipient organization provides a service that the Town could provide to its residents or businesses but chooses not to.

(b) Accessibility. In determining whether a recipient organization's services are readily available to Berlin residents or businesses, the Town Council may consider:

- (1) The number of Berlin residents or businesses served by the organization in the years prior to the grant application;
- (2) The location(s) where Berlin residents or businesses may receive the recipient organization's services or programs; and
- (3) The nature and extent of the efforts of the recipient organization to reach out to Berlin residents and businesses.

(c) Rough Proportionality. The amount of each grant must be roughly proportional to the benefit provided by the organization to the Town or its residents and businesses.

3. Funding Categories

Provided that the appropriation complies with subsection 2 (a) and is for at least one of the purposes in subsection 2 (b), the Town Council may appropriate money from the General Fund for programs or projects that meet one or more of the following criteria:

- (1) Provide shelter, food, or clothing to persons in need of those programs (Necessities of Life);
- (2) Provide physical or mental health services to persons with special needs (Integrated Care Services);
- (3) Educate **and engage** residents (Education);

~~(4) Promote economic development or support businesses located or doing business in the Town (Economic Development); or~~

~~(5)~~(4) Provide a service ~~that the Town could provide to its residents or businesses or that~~ supports, complements or enhances a service or program that the Town of Berlin provides to its residents or businesses (Complementary Services).

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4. Eligible Organizations; Rough Proportionality Required

(a) Grants may only be made to a governmental entity; an organization that is organized and operated exclusively for ~~religious~~, charitable, literary, scientific, or educational purposes and is exempt from tax under Internal Revenue Code section 501(c)(3); or, a chamber of commerce that is exempt from tax under Internal Revenue Code section 501(c)(6).

(b) For an organization to be eligible:

~~(1)~~ The organization must be have certification of non-profit status under the IRS Code section(s) indicated above.

~~(2)~~ The organization must be a "Business in Good Standing" ~~underwith~~ the Maryland Department of Assessments and Taxation.

~~(3)~~ The organization must be a registered charity with the State of Maryland and provide a valid charity ID number on the required forms.

~~(4)~~(4) The organization's mission must include providing a public benefit to the residents or businesses within the municipal boundaries of the Town of Berlin;

~~(5)~~(5) The organization must have policies and procedures to ensure that the terms and conditions of all grants are satisfied.

5. Grant Limitations

(a) Grants cannot be used to fund existing obligations, debts or liabilities.

(b) Grants are made with the understanding that the Town has no obligation or commitment to provide any additional support to the grantee in current or future years.

~~(c)~~ Grants cannot be used to support faith-based organizations.

~~(d)~~(d) Town funds should not be used to support national and regional charities~~stable organizations~~; instead, they should be supported by individual and corporate donations.

~~(e)~~ Requests for grants from religious organizations will be considered only if a general need is being met and the project does not promote the teachings of a particular church denomination.

(e) Grants may not be used for any political campaign or to support attempts to influence the legislature or any governmental body other than through making available the results of nonpartisan analysis, study and research.

(f) The grantee shall not discriminate on the basis of race, color, religion, gender, age, weight, height, sexual orientation, marital status, national origin, disability or other characteristic protected by law.

6. Request for Determination of Eligibility for Grant Funding

(a) An applicant shall first submit a request for determination of eligibility for grant funding on a form prescribed by the Town Administrator, which shall state the following:

(1) Organizational Information, preferably no longer than one page, summarizing the

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organization's history, mission, goals, current programs, and the population served;

- (2) A description of the Town population served by the organization;
- (3) A certification that the organization is not in litigation nor does it anticipate pending litigation from any member of a protected class; and
- (4) Policies and procedures adopted by the organization to ensure that the terms and conditions of all grants are satisfied.

(b) The Request for Determination of Eligibility shall be accompanied by documentation of the organization's eligibility, i.e.:

- (1) An IRS letter of tax exemption under IRC sections 501(c)(3) for charitable organizations;
- (2) An IRS letter of tax exemption under IRC section 501(c)(6), for chambers of commerce; or
- ~~(3)~~ Articles of Incorporation, statutory reference, or similar documentation, for a governmental entity.
- ~~(4)~~ Valid Maryland Charity ID Number.
- ~~(5)~~ Written proof the organization is in good standing with the Maryland Department of Assessments and Taxation.

(c) The organization needs to file the foregoing information only once. Each year afterwards, the organization must verify that the information is still current and, if not, must update each item of new or changed information.

7. Grant Applications

An application for a charitable donation shall be made on a form prescribed by the Town Administrator and shall state the following:

- (1) Program or project title;
- (2) Purpose of the grant (not more than two sentences);
- (3) Timeline for accomplishing the project or program;
- (4) List of all previous requests to the Town within the previous five years;
- (5) Summary of the program or project, including an action plan and timetable for implementation;
- (6) A succinct statement of how the grant meets the criteria in Section 2 and how the Berlin community would benefit from this project;
- (7) Identity of partners in the project and their roles;
- (8) An evaluation plan that includes a description of how the applicant will define the success

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of the program or project;

- (9) A detailed budget for the program or project.
- (b) Grant applications should be brief and to the point.
- (c) A charitable organization must attach one copy of each of the following documents to the application:
 - (1) Roster of current governing board members;
 - (2) Annual operating budgets for the organization for the current year and the next year; and
 - (3) If the organization is operating at a deficit, an explanation of cause of the deficit and what the organization is doing to eliminate expected year-end deficits.

8. Grant Application Timeline

- (a) On or before July 1 of each year, the Town Council may include in its budget for the upcoming fiscal year a total amount that may be granted and donated to charitable organizations and governmental entities in accordance with this subchapter.
- (b) During the period from ~~July 1 to~~ August 1 to September 1 of each year, any eligible charitable organization or governmental entity may ~~submit an application~~ apply to the Town for a grant. Thereafter, the Town Administrator or his/her designee, shall notify each applicant whether its application is complete and the date when the Town Council will consider the application.
- (c) As soon thereafter as practical, the Town Council shall consider all applications for grants. Approved grants will be disbursed approximately 30 days after approval of the grant by the Town Council and execution of a Grant Agreement by the Grant Recipient.

9. Grant Agreement

- (a) The Grant Recipient must execute a Grant Agreement with the Town before any funds may be paid. The Grant Agreement shall include a statement of the goal or purpose of the Grant, a time within which the goal is expected to be achieved, and reporting requirements.
- (b) Failure to return the fully executed signed Grant Agreement within sixtythree (63) days of receipt from the Town shall constitute rejection or forfeiture of the grant.

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10. Grant Reports

- (a) Within 90 days of completion of the program or project funded by a grant, or no later than June 30, whichever comes first, the Grant Recipient shall file a brief written report with the Town Administrator explaining:
 - (1) The extent to which the Grant Recipient reached the goals and objectives for the program or project;
 - (2) An evaluation of the program or project, including a description of the project or program's impact on the Town or its residents or businesses; and

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- (3) An explanation of how the grant funds were spent.
- (b) Grant Recipients may be asked to present their report to the Mayor and Council at a regular meeting.
- (c) The Town Administrator may, in the Grant Agreement, require that the Grant Recipient file an Interim Report.

11. Emergency or Disaster Relief

Notwithstanding anything to the contrary herein, the Town Council may provide financial aid or assistance for:

- (1) the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency declared by the President, if found to be in the public interest;
- (2) disaster relief in connection with a national or local emergency created by military attack or sabotage;
- (3) providing adequate national or local defense;
- (4) responding to a local emergency

12. Implementing Policies and Regulations

The Town Administrator is authorized and directed to establish procedures and regulations to implement this resolution.

Approved this _____ day of _____, 2018 by the Mayor and 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 and Town of Berlin.

ATTEST: _____
Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator

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