BERLIN MAYOR AND COUNCIL
Meeting Agenda

Berlin Town Hall
10 William Street
Monday, September 9, 2019

6:30 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 08/26/19
    b. Statement of Closure for Executive Session of 08/26/19
    c. Regular Session of 08/26/19

2. Proclamation 2019-12: Recognizing September as National Suicide Prevention Month – Mayor Williams

3. Motion 2019-26: Worcester County Recreation & Parks request for use of the tennis courts at Stephen Decatur Park – Director Tom Perlozzo – Staff Contact Administrative Services Director Mary Bohlen

4. Departmental Reports

5. Town Administrator's Report

6. Comments from the Mayor

7. Comments from the Council

8. Comments from the Public

9. Comments from the Press

10. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Laura Allen, Town Administrator at (410) 641-4144. Written materials in alternate formats for persons with disabilities are made available upon request.
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, August 26, 2019

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

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, Dean Burrell, and Troy Purnell.
Staff Present: Town Administrator Laura Allen, Managing Director/Public Works Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Water Resources Director Jamey Latchum, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Town Attorney David Gaskill, and Town Clerk Kelsey Jensen.

Following the Lord's Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:05 PM.

1. Approval of the Minutes for:
   a. Executive Session of 08/12/19:
   Councilmember Burrell made a correction to page two, he said Ms. Gaskill should read Mr. Gaskill.
   On the motion of Councilmember Gulyas with the correction made by Councilmember Burrell, the Executive Session minutes of August 12, 2019 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				
Voting Tally	5				

   b. Statement of Closure for Executive Session of 08/12/19:
   Mayor Williams read the Statement of Closure.

   c. Regular Session of 08/12/19:
   On the motion of Councilmember Gulyas, the Regular Session Minutes of August 12, 2019 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				
Voting Tally	5				

Mayor Williams wanted to take a moment to present Lieutenant JD Lawson with a commendation for his life-saving action on a three-month-old baby.

Mayor Williams also wanted to recognize and congratulate the Berlin Little League for their success this year.

2. Motions to Approve:
   a. Motion 2019-24: Graham Ave. Submerged Gravel Wetland Project
      a. Approval of agreement with Coastal Bays to provide $54,500 in additional funding

      Frank Piorko with Maryland Coastal Bays explained the funding they would provide. Councilmember Tyndall asked if we can illustrate something to show residents the impact this project will have on Newport Bay; he said absolutely. Town Administrator Laura Allen explained where the rest of the funding will come from. Councilmember Gulyas asked Finance Director Natalie Saleh if she thought there would be any financial consequences if they did not move forward with this project; She said it would be hard to get grant funding in the future. Councilmember Tyndall asked if the termination clause is standard in the Memorandum of Understanding; Town Attorney David Gaskill said it was.

   On the motion of Councilmember Gulyas, the agreement with Coastal Bays 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				
Voting Tally	5				

      b. Graham Ave. Stormwater Contract Award to Goody Hill Groundworks in the amount of $105,000

      Town Administrator Laura Allen recommended that they move forward with the Goody Hill Contract as well. Councilmember Tyndall asked if we did a Request for Proposal for this project and Ms. Allen said for construction projects we follow a bid process.

   On the motion of Councilmember Tyndall, the Goody Hill Contract 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				
Voting Tally	5				

   b. Motion 2019-25: Chesapeake Environmental Services Requisition 202000323 for the Heron Park Chemical Spill Clean Up in the amount of $30,453.50

      Mayor Williams explained the motion. Councilmember Purnell asked if this would be the last of the payments; Ms. Allen said they are finishing up a few small things still so we may receive another.

   On the motion of Councilmember Burrell, Motion 2019-25 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				
Voting Tally	5				

3. Presentation by Jean Holloway on a Water and Sewer Rate Study
SERCAP State Manager Jean Holloway presented information on rate setting and cost recovery. Councilmember Tyndall asked if when the report is finalized can it be tweaked; she said she can, but it will be her report to tweak. Councilmember Gulyas asked if she would recommend electronic meters; she said that is what is usually installed these days. Councilmember Gulyas then asked the price for electronic meters and how long it takes the Town to read and re-read meters each month; Ms. Holloway and Water Resources Director Jamey Latchum said the meters are about $700 each, but the infrastructure is very expensive. Mr. Latchum then said the reads take three people two full days to read and re-reads take the same amount of time. Councilmember Burrell asked if her report would show if the meters are currently under registering; she said they would not unless you tested each one and Berlin has 2,055 meters. The Council then expressed an interest in her full four-hour class and asked if she could arrange to do it here and open it to the public; she said she can try to work that in.

4. Departmental Reports:
a. Administrative Services Director – Mary Bohlen
Ms. Bohlen said the website launch has a lot of glitches and that D3 is aware and trying to get it all fixed by the end of the week.

b. Water Resources Director – Jamey Latchum
Mr. Latchum said they made a repair to the sewer on Flower and have been working on hydrants. Councilmember Gulyas asked if the hydrant on Penders Court has been fixed; he said it has. Vice-President Brittingham said the residents did not appreciate what the Town had done on Flower and many were agitated about the road closure and did not listen to employees; he thinks police presence may be necessary in the future. Councilmember Burrell said he received different feedback and said many residents were happy with how quickly the repair was made.

c. Electric Utility Director – Tim Lawrence
Mr. Lawrence said they replaced a rotten pole at West Street and installed new underground on Ann Drive. They peaked 16 times this summer for a total of 17 times in 2019. They had a storm related outage that was repaired in about an hour and a half.

d. Police Chief – Arnold Downing
Chief Downing said they are preparing for school to start back up. Also, the training for the bodycams is complete and officers are now wearing them. Mayor Williams thanked them for their hard work each day.

e. Managing Director/Public Works – Jeffrey Fleetwood
Mr. Fleetwood said the chairlift in Town Hall was not functioning but has been fixed. He also said the geothermal has been leaking and they need to replace the units in Town Hall with a heat pump.

5. Town Administrator's Report: Laura Allen had nothing to report.

6. Comments from the Mayor: none.

7. Comments from the Council: none

8. Comments from the Public: none.

9. Comments from the Press: none.

10. Adjournment:
On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:10 PM.

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				
Voting Tally	5				

Respectfully Submitted,

Kelsey Jensen

Kelsey Jensen
Town Clerk

Agenda Item # 3

MOTION OF THE MAYOR AND COUNCIL 2019-26

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE USE OF STEPHEN DECATUR PARK TENNIS COURTS BY WORCESTER COUNTY RECREATION & PARKS FOR ADULT DROP-IN TENNIS TUESDAYS, SEPTEMBER 24 TO OCTOBER 15, 2019 FROM 6:00 TO 8:00 PM AND TO WAIVE THE FEE(S) FOR THIS USE.

APPROVED THIS_____ DAY OF_____, 2019 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 _____, 2019 by the Mayor of the Town of Berlin.

_____
Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen
Town Administrator

TOWN OF BERLIN
SPECIAL USE OF PARK FORM

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

TODAY'S DATE: August 13, 2019

EVENT/ACTIVITY DATE: 9/24/19 TIME FROM: 6:00 pm TO: 8:00 pm

Anticipated # of attendees 12

NAME: Tom Perlozzo

ADDRESS: 6030 Public Landing Road

Snow Hill, MD 21863

PHONE: 410-632-2144 x2505

EMAIL: tperlozzo@co.worcester.md.us

ORGANIZATION: Worcester County Recreation & Parks
(IF APPLICABLE)

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

DESCRIPTION OF EVENT/ACTIVITY: Adult Drop-In Tennis program - first night to include a Tennis Stroke Clinic

PARK REQUESTED

☑ **Stephen Decatur Park, Tripoli Street** ☐ **Pavilion** ☑ **# of 2 Tennis Courts (max 3)** ☐ **Other** _____	☐ **Dr. William Edward Henry Park, Flower Street** ☐ **Pavilion** ☐ **# of _____ Basketball Courts (max 2)** ☐ **Other** _____
☐ **Berlin Falls Park**	

PLEASE CHECK ALL THAT APPLY BELOW:

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

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

Office Use Only:

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

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

Does activity require any additional Town services?

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

Notes/Comments: _____

_____

I, the undersigned acknowledge and agree to the following:

1. PARKS RULES: I have been provided with a copy of the Park rules and regulations and I understand that I must adhere to these rules. If I fail to adhere to the Park rules and regulations, the Town of Berlin reserves the right to refuse to reserve the park in my name in the future. I further understand that the rules and regulations provided herewith are an excerpt of Chapter 22 of the Code of the Town of Berlin and other sections of that chapter and of the Town Code as a whole may also apply to use of the park(s).

2. VEHICLES STRICTLY PROHIBITED ON PARKS' GROUNDS. I understand that vehicles are not permitted in the parks beyond the parking lots. ABSOLUTELY NO EXCEPTIONS without prior express authorization.

3. RESERVATION OF FACILITY(IES). I understand that this reservation is only for the facility(ies) indicated above; all other areas of the park are open to the public and may be in use during my event.

4. LIABILITY INSURANCE/RELEASE OF LIABILITY: I certify that I or the organization which I represent possesses appropriate liability insurance and that, upon request, I will provide the Town of Berlin with verification of such insurance. If I do not possess such insurance, I understand that purchase of insurance may be required for this event/activity. The Town of Berlin and its agents are released from all liability associated with damage or injury resulting from the improper use of any equipment provided by the Town of Berlin and from damage or injury associated with the use of any equipment or items brought into the park by me or anyone associated with this event.

Signature: _____ Date: 8/15/19

Clerk: _____ Fee Pd: $_____ Date: _____ Refund: ☐ YES ☐ NO Date: _____

BUSINESS USE OF PARK APPLICATION

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

Name of Business/Organization: Worcester County Recreation & Parks Agent/Responsible Party: Tom Perlozzo
(Individual Person must be identified)

Address 6030 Public Landing Rd Phone #: (W) 410-632-2144 (C) 443-944-4022
Snow Hill, MD 21863 Email: tperlozzo@co.worcester.md.us

Park where activity or event will occur: ☑ Stephen Decatur Park ☐ William Henry Park ☐ Berlin Falls Park

Purpose of Facility Use: Adult Drop-In Tennis

Requested Days/Times of Use: Tuesdays, September 24 - October 15, 6:00 - 8:00 p.m.

# of Persons Expected to participate in activity/event 12

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

1) Kelly Buchanan - Program Manager	6)
2) Myro Small - Program Manager	7)
3)	8)
4)	9)
5)	10)

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

The proposed activity is an Adult Drop-In Tennis program that will be held once a month for 4 weeks. The first hour of the first evening, a Tennis stroke clinic will be included. The hopes is for this to help spike some interest in the program. Throughout the sessions, Adults will have the opportunity to participated in pick-up/scrimmage matches with other participants. A $3 per person/per session fee is charged.

Reverse must be completed and signed.

AGREEMENT

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

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

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

I, further acknowledge and agree to the following:

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

Signature: _____ Date: 8/15/19

Printed Name: _____

Office Use Only: Date Rec'd: _____ Initials: _____ Approved: ☐ Yes ☐ No

Non-profit organizations: ☐ Proof of Non-profit certification submitted and verified.

By _____ Date: _____

All others:
Mayor and Council of the Town of Berlin on the _____ day of _____.

_____ For to _____ Opposed with _____ Abstaining

Additional Conditions/Notations: _____

_____

NON-PROFIT ORGANIZATION
REQUEST FOR WAIVER OF PARKS FEES

This Request for Waiver of Parks Fees is only for use by certified Non-Profit Organizations. PROOF OF NON-PROFIT STATUS IS REQUIRED WITH SUBMISSION. FORM MUST BE SUBMITTED AT LEAST 30 DAYS BEFORE EVENT DATE.

Name of Organization: Worcester County Recreation & Parks

Contact Person: Tom Perlozzo

Address: 6030 Public Landing Rd. Snow Hill, MD 21863
Street Address City State Zip Code

Phone Number: 410-632-2144 Email Address: tperlozzo@co.worceter.md.us EIN: _____

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

Requested Days/Times of Use: Tuesdays, September 24 - October 15, 6:00 - 8:00 pm

# of Persons Expected to participate in activity/event 12

Information/Forms which MUST accompany this form:
1. Non-profit (501(c)(3)) Letter of Determination from the IRS; or ← M.Bohlen: NA - Gov. Entity
2. Copy of information from irs.gov website.

Request will not be considered without the above information.

AGREEMENT

By signing below, the agent/responsible party understands and acknowledges:

1. That this is a request to waive fees associated with the reservation of the facilities of the Town of Berlin Park indicated above; any other costs or fees associated with the event, including those imposed by other agencies are not part of this waiver.
2. This form does not exempt the organization(s) from the applicability of any Town Code, other rules, regulations or policies associated with use of the parks. 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, as well as any applicable laws, regulations or codes imposed by the State of Maryland or Worcester County.
3. He/She understand that failure to comply may result in:
   a. The imposition of limitations to use for the organization; and/or
   b. Withdrawal of approval of this waiver; and/or
   c. Refusal to authorize future use by the entity.
4. If this Request for Waiver is approved, such approval is applicable only to the date(s) specified above; additional waiver(s) must be requested for any future reservations of a Town of Berlin Park(s) by the organization.

Signature: Thomas M. Perlozzo Date: 6/15/19

Printed Name: Thomas M. Perlozzo

Office Use Only: Date Rec'd: _____ Initials: _____

Verification of Non-Profit Status received. Non-profit ID # _____ Request Approved Denied

If denied state reason: _____

Comments: _____

Worcester County Department of Recreation & Parks
6030 Public Landing Road, Snow Hill, MD 21863 Phone: 410.632.2144 Fax: 410.632.1585

tennis

Stroke Clinic

Tuesday, September 24, 2019

Join Professional, Bruzz Truit, for an evening of instruction on stroke technique and performance.

TIME: 6:00 p.m. - 7:00 p.m.
WHERE: Stephen Decatur Park - Tennis Courts
OPEN TO: Ages 14 & older
COST: $3 per person

REGISTRATION:
➤ In Person

All payments must be received prior to participation.
Make checks payable to: Worcester County

Practice what you learned! Play more tennis, drop-in style from 7:00 p.m. - 8:00 p.m.

Drop-In Tennis will follow in the fall on Tuesday evenings

Contact Kelly Buchanan for more information at 410-632-2144 x2503 or kbuchanan@co.worcester.md.us

www.WorcesterRecandParks.org

The staff of Worcester County Department of Recreation & Parks is committed to providing reasonable accommodations to all participants. If you have special needs, please notify the Worcester County Department of Recreation & Parks at 410.632.2144 so that we can plan accordingly for these needs. We cannot guarantee that your request will be met unless the Worcester County Department of Recreation & Parks is notified in advance. Worcester County Department of Recreation & Parks reserves the right to cancel a program or division which does not meet certain requirements.

Worcester County Department of Recreation & Parks
6030 Public Landing Road, Snow Hill, MD 21863 Phone: 410.632.2144 Fax: 410.632.1585

adult

Drop-In Tennis

Tuesdays,
October 1 - October 15, 2019

TIME: 6:00 p.m. - 8:00 p.m.
WHERE: Stephen Decatur Park - Tennis Courts
OPEN TO: Ages 14 & older
COST: $3 per session

REGISTRATION:

- Mail In
- In Person

All payments must be received prior to participation.
Make checks payable to: Worcester County

The Drop-In format is informal and open to everyone. All levels, ages, abilities, and genders are accepted. Just show up with your racquet! Players are asked to be flexible.

in partnership with

STEPHEN DECATUR 1779 1820
MAYOR AND COUNCIL OF BERLIN, MD

Contact Kelly Buchanan for more information at 410-632-2144 x2503 or kbuchanan@co.worcester.md.us

YouTube

www.WorcesterRecandParks.org

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