



## BERLIN MAYOR AND COUNCIL

### Meeting Agenda

Berlin Town Hall

10 William Street

Tuesday, October 13, 2020

#### EFFECTIVE 9/14/20:

Limited public attendance at Mayor and Council and Board and Commission Meetings will be permitted based on Governor Hogan's September 1, 2020 Executive Order. These guidelines allow up to 50 percent capacity for indoor venues, with appropriate social distancing and face coverings for all attendees.

The Town of Berlin will implement these guidelines as follows:

1. In addition to Town officials and staff, up to 16 seats will be available to presenters, members of the public and the press.
2. Doors will be opened 15 minutes before the designated start time of the meeting and seating will be first-come, first-served.
3. At the start of the meeting, or when capacity has been reached, the doors will be locked to entry from the outside.

LIVE STREAMING WILL CONTINUE with the same conditions as have been in place during the pandemic:

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

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

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

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

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



## BERLIN MAYOR AND COUNCIL Meeting Agenda

Berlin Town Hall  
10 William Street

Tuesday, October 13, 2020

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

1. Swearing in:
  - a. Swearing in Mayor Zackery Tyndall by Clerk of Court Susan Braniecki
  - b. Swearing in Councilmembers by Mayor Zackery Tyndall
    - a) At-Large Councilmember Jay Knerr
    - b) District 2 Councilmember Jack Orris, Jr.
    - c) District 3 Councilmember Shaneka Nichols
2. Approval of the Minutes for the Regular Session of 09/28/20
3. Nomination and selection of Council Vice-President
4. Departmental Reports
5. Town Administrator's Report
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public (Questions or comments submitted prior to 12 noon on Tuesday, October 13, 2020 will be addressed at this time. Questions submitted on Facebook will not be answered during the meeting except during public hearings as applicable.)
9. Comments from the Press
10. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Jeffrey Fleetwood at (410) 641-4002. Written materials in alternate formats for persons with disabilities are made available upon request.

*TTY users dial 7-1-1 in the State of Maryland.*

*TTY users outside Maryland dial 1-800-735-2258*



Oath of Office for Mayor Zackery Tyndall will be provided by Clerk of Court Susan Braniecki who will swear in Mayor Tyndall



# Mayor & Council of Berlin



## OATH OF OFFICE

I, Jay Knerr, do swear and affirm that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Councilmember of the Town of Berlin, according to the Constitution and the Laws of this State.

SWORN THIS 13th DAY OF OCTOBER 2020.

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Jay Knerr, Councilmember at Large

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Zackery Tyndall, Mayor



# Mayor & Council of Berlin



## OATH OF OFFICE

I, Jack Orris, do swear and affirm that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Councilmember of the Town of Berlin, according to the Constitution and the Laws of this State.

SWORN THIS 13th DAY OF OCTOBER 2020.

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Jack Orris, Councilmember District Two

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Zackery Tyndall, Mayor



# Mayor & Council of Berlin



## OATH OF OFFICE

I, **Shaneka Nichols**, do swear and affirm that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of **Councilmember of the Town of Berlin**, according to the Constitution and the Laws of this State.

SWORN THIS 13th DAY OF OCTOBER 2020.

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Shaneka Nichols, Councilmember District Three

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Zackery Tyndall, Mayor



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, September 28, 2020**

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

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

**Staff Present:** Town Administrator Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Water Resources Director Jamey Latchum, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Administrative Manager Kelsey Jensen.

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

1. Approval of the Minutes for:

a. Regular Session of 09/14/20:

On the motion of Councilmember Gulyas, the Regular Session Minutes of September 14, 2020 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

2. Nomination of new Planning and Zoning Commission member

Mayor Williams nominated George Austin Purnell for the vacancy on the Planning Commission. Councilmember Purnell recused himself for this matter. Residents James Meckley, Kim Holloway, and Robert Palladino all expressed concerns with the nomination of Austin Purnell and how it may be a conflict of interest; Mayor Williams said he does not believe it would be, that if a matter is a possible conflict either Austin Purnell, or Councilmember Purnell, would recuse themselves. Councilmember Tyndall asked if the matter can be tabled until the October 26<sup>th</sup> meeting so the new Mayor and Council can vote on the nomination; Councilmember Burrell said who are they to say when and what the new group should vote on.

On the motion of Councilmember Tyndall, the Motion to postpone the nomination was denied 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>	1	3		1	

Councilmember Burrell said every Councilmember and Board and Commission member has their own circles, and will have opinions on matters, but in all his years on the Council he has never had someone contact him and step-up to be a commission member.

On the motion of Councilmember Burrell, the nomination 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>	3	1		1	

Mayor Williams then swore in Austin Purnell. Vice-President Brittingham said in his 32 years on the Council he has never had a resident reach out to be a member and thinks the eagerness he has will be a great addition.

3. Stormwater Presentation – EA Engineering, Science, and Technology, Inc., PBC

Darl Kolar, P.E., BCEE, MBA, presented information the recent and needed stormwater improvements. Councilmember Tyndall asked if in the areas of West, Abby, Henry’s Mill, and Henry’s Green, did we ever approach owners for future grant funding. Mr. Kolar said we have not but we can to help possibly secure future funding. Councilmember Burrell said he hopes fixing some areas do not affect the areas downstream from them and make things worse; Mr. Kolar said there are several options that can be done to prevent something like this from happening and various options to help stabilize properties as well. Mayor Williams said when he comes back with a more formal presentation, they would like to see all of the options available.

4. Strategic Demolition Grant and Community Legacy Grant Discussion

Economic and Community Development Director Ivy Wells explained that she is interested in pursuing two grants, the Strategic Demolition Grant and the Community Legacy Grant, she is looking for approval to do so. Councilmember Burrell asked if there is a match; she said there is not, only in-kind services. Councilmember Tyndall asked for a ballpark figure to demolish the building at Heron Park, Mr. Fleetwood said anywhere from free to \$600,000.

On the motion of Councilmember Purnell, the request to pursue both grants were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

5. Motion 2020-26: Motion approving the second amendment to the lease agreement with New Cingular Wireless PCS, LLC. (AT&T)

Town Administrator Jeff Fleetwood discussed changes to the lease agreement, he said the lease cost remained the same, there is a one percent escalation clause, and there is a five-year term.

On the motion of Councilmember Tyndall, Motion 2020-26 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		

Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

6. Departmental Reports:

a. Water Resources Director – Jamey Latchum

Mr. Latchum said they are replacing valves tomorrow and will need to go down to one lane traffic on Main St. from the Fire Company to Cheers.

b. Administrative Manager – Kelsey Jensen

Ms. Jensen said flu vaccines will take place on Wednesday, September 30<sup>th</sup> from 11am-1pm in Town Hall.

c. Economic and Community Development Director – Ivy Wells

Ms. Wells said Berlin was a top collector for cigarette butts and thanked Mike Wiley for collecting them. The last farmers market was yesterday, but Baked Dessert is setting up tents in the old PNC drive-thru for businesses to continue to do Sunday sales. There is a luminary event for Relay for Life on Saturday evening.

7. Town Administrator's Report – Jeffrey Fleetwood

Mr. Fleetwood reported that he and Electric Utility Director Tim Lawrence have been working with AMP to procure a 50KW solar field on the substation roof with no matching funds. He also said he added safety corners to the way-finding signs in Town. Lastly, State Highway redid the crosswalks and stopbars at the intersection of Pitt and William.

8. Comments from the Mayor: none.

9. Comments from the Council:

Councilmember Purnell thanked Vice-President Brittingham and Councilmember Gulyas for their time served on the Council.

Councilmember Burrell echoed Councilmember Purnell and added that they have been invaluable to this Council.

Vice-President Brittingham said he has enjoyed taking complaints over the years and was always eager to fix them, but he has learned in his time that it usually takes money to fix all the problems. He said he appreciated working with all the Councilmembers.

10. Comments from the Public – Resident Jason Walter submitted the following questions via email and Town Administrator Jeff Fleetwood provided the following answers verbatim:

Impact fees- Several sessions ago, Council member Purnell mentioned the use of development impact fees in constructing sidewalk along Broad Street. Two sidewalk projects were completed, one a pervious surface to Esham and the other a standard surface sidewalk at Purnell Crossing. Were development impact fees expended to cover the cost of one or both? Last session impact fees were transferred to cover budgetary shortcomings in relation to current paving projects. How was the use of impact fees justified, for which streets and to what amount for each? What other projects have development impact fees funded and to what dollar amount? How was the use

justified and what amount due back to the restricted use fund? Mr. Fleetwood replied: The Town did utilize impact fees in FY 14 to pay for 2 sidewalk projects. During the last M&C session the council did approve \$350,000 to be moved from impact fees to the general fund to pay for streets improvements. The use of impact fees is justified as described in the Town Code-“Is intended to fund any portion of the costs of capital improvements on any public facilities.” Also, “All impact fees collected under this article shall be used solely for financing, in whole or in part, the capital costs of public facilities, services, improvements and equipment required to accommodate and/or benefit growth...” Streets where impact fees were used to pay for the improvements are: East Burley, West Germantown, Cape Circle, Flower St, Harrison Ave, Walnut Hill, Decatur Street and Mill St. The costs to improve these streets was approximately \$350,000. The amount that will go back to the impact fees during FY20 will be all monies received from the State (Highway User Fees) in excess of the \$111,000 that was budgeted.

Purchase orders- Municipal purchase orders had traditionally been reviewed in regular session of the M&C but as the burden of local government has increased, these expenditure details have been removed from the public eye. Who bears responsibility for this decision and why was it made? Municipal spending details are important to maintaining open, honest government. Mr. Fleetwood replied: All Purchase orders in excess of \$10,000 go before the Mayor and Council per our Purchasing Policy that was approved by the Mayor and Council on 8/15/2015. Anyone from the general public may request the financial reports that are provided to the Mayor and Council.

Resident Julie Warren then expressed concerns regarding an overgrown ditch on West Street and said she found Councilmember Gulyas to be very disrespectful.

11. Comments from the Press – none.

12. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:25PM.

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				
Voting Tally	5				

Respectfully Submitted,

Kelsey Jensen  
Administrative Manager