



## **BERLIN MAYOR AND COUNCIL**

### **Meeting Agenda**

**Berlin Town Hall  
10 William Street  
Monday, April 13, 2020**

**5:30 PM          BUDGET WORK SESSION (livestream)**

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

1. Approval of the Minutes for:
  - a. Regular Session of 02/10/20
  - b. Work Session of 03/09/20
  - c. Executive Session of 03/09/20
  - d. Statement of Closure for Executive Session of 03/09/20
  - e. Regular Session of 03/09/20
2. Motions to approve:
  - a. Motion 2020-08: Motion approving the PJM Risk Management Policy, Procedures, and Control Provisions
  - b. Motion 2020-09: Motion approving partnering with Worcester County for the Fourth of July Celebration and approving the new fireworks location
3. First Reading and re-introduction: Ordinance 2020-02; Setting the Real Property Tax Rate for Fiscal Year 2021 (public hearing will be held on May 11, 2020)
4. Town Administrator's Report
5. Comments from the Mayor
6. Comments from the Council
7. Comments from the Public (questions or comments submitted prior to 12 noon on Monday, April 13, 2020 will be addressed at this time)
8. Comments from the Press (questions or comments submitted prior to 12 noon on Monday, April 13, 2020 will be addressed at this time)
9. 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.

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**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, February 10, 2020**  
**REVISED**

**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, Finance Director Natalie Saleh, Water Resources Director Jamey Latchum, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, and Town Attorney David Gaskill.

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 01/27/20:

On the motion of Councilmember Gulyas, the Regular Session Minutes of January 27, 2020 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>	5				

2. Atlantic General Hospital Annual Presentation.

AGH CEO Michael Franklin made the annual presentation to the Mayor and Council. Following his presentation, Councilmember Tyndall asked if Healthway Drive was scheduled to be re-paved and Mr. Franklin indicated that State Highway was slated to work on the intersection at the corner of Rt. 113 and Old Ocean City Boulevard and work on Healthway Drive would be coordinated with that project. Mayor Williams noted that the top three economic drivers in our area included healthcare, hospitality and shopping and that the hospital played a very important role in the community.

3. Motion 2020-04; Worcester County Recreation and Parks Drop-in Tennis and Tennis Clinic and Toddler Gym  
Myro Small of Worcester County Recreation and Parks appeared before the Mayor and Council to request approval of the use of Stephen Decatur Park on Tuesdays in May from 6 to 8 p.m. and for Toddler Gym on Wednesdays, May 13 to June 10 from 10 to 11 a.m. Mr. Small indicated that the tennis programs had been popular the previous year in Berlin with phone calls and emails being received asking to continue and that the Toddler Gym had been very popular in Snow Hill. Councilmember Tyndall asked if Financial Aid was available



and Mr. Small indicated that it was available for the Toddler Gym, but not for the tennis programs as they were for adults. He noted that all the programs were a \$3.00 per date fee. Councilmember Burrell moved to approve the Motion and approval was unanimous 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				
<i>Voting Tally</i>	5				

4. Motion 2020-05; Special Waste Collection Policy

Mr. Fleetwood explained that the policy as presented differed from the policy previously presented in November in that no monetary charges were included and the limit to the number of items to be collected had been changed to four; he noted that the number of items was selected by staff, but could be adjusted as desired by the Mayor and Council. Councilmember Tyndall asked what the effect of the changes would be particularly regarding the number of vehicles used for bulk collection. Mr. Fleetwood noted that, in addition to the limits on items being collected, residents would be required to call in ahead of collection day which would eliminate the current need to patrol every street in Town looking for items to collect; instead Public Works would know exactly where they needed to go and could better approximate the equipment needed. Mr. Fleetwood also noted that residents would be required to wrap fabric items in plastic and to call ahead to arrange for collection. Mr. Jim Meckley in the audience asked if residents could pay if they wanted more than four items collected and Mr. Fleetwood explained that the November version of the policy had allowed for payment for items over the limit, but that condition had been removed based on public reaction and the desire of the Mayor and Council; the removal of items in excess of four would have to be arranged by the resident through a private hauler or other means. Mayor Williams noted that as a policy, this would be much easier to review and adjust periodically based on experience. Councilmember Tyndall asked if a form could be submitted via the webpage and include an option for submitters to indicate their position on paying for excess items. Ms. Marie Velong asked for clarification on multiple items being placed in a bag or box as well as whether other Towns provide monthly bulk collection. Discussion of the increased costs of bulk collection followed. A member of the audience suggested reducing the landfill expenses for a day or week to encourage people to take items themselves; it was explained that the landfill was not operated by the Town. The same individual suggested holding a "dumpster day"; Councilmember Purnell noted that this would not be helpful for residents who could not haul items themselves. Councilmember Tyndall revisited the Mayor's earlier point regarding the ability to make adjustments to the policy. The audience member also expressed concerns about non-residents dumping items within Town. Councilmember Brittingham moved to approve the Motion; Councilmember Tyndall asked to review the matter in a year to see how it was working. Approval of the motion 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				
<i>Voting Tally</i>	5				

5. Public Hearing: Resolution 2020-01 Annexation of Two Farms property

Mayor Williams opened the Public Hearing. Mr. Joe Moore representing the petitioners and Mr. Bob Mitchell of Worcester County Environmental Service appeared before the Mayor and Council. Mr. Moore noted the process to date, including the appearance before the Planning Commission. Mr. Moore reviewed several maps and satellite images of the property in question. In response to a question from Mr. Moore, Mr. Mitchell indicated that the septic system was failing and that the properties would not be permitted to be developed under the current conditions. Mr. Moore noted that the properties would not be permitted to connect to the Town's water and wastewater system unless they were annexed within Town limits. He noted that five or six EDU's would be purchased to do so. Councilmember Tyndall clarified that Mr. Moore represents the applicants and Mr. Mitchell is an employee of Worcester County. Councilmember Brittingham inquired as to whether the entrance(s) to the property were being addressed and Mr. Moore indicated that entrances would be addressed during the site plan approval process. Discussion continued during which Mr. Moore noted that the zoning was compatible with the Town's zoning and that the property was within the Town's growth area. Councilmember Gulyas asked if there was a future service road through the parcels and Mr. Mitchell indicated that there was not. Brief discussion continued. Mayor Williams asked if there were any additional questions or comments. Audience member Mr. Jason Walter asked for clarification on who was responsible for the expense of connection to the Town's water/sewer system and Mr. Moore indicated that it was the developer and was indicated in the annexation agreement. Hearing no further questions or comments, Mayor Williams closed the public hearing.

Councilmember Purnell moved to approve the Resolution as presented 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			
<i>Voting Tally</i>	4	1			

6. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh reminded all of upcoming dates in the budget process.

b. Deputy Town Administrator – Mary Bohlen

Ms. Bohlen presented information on the 2020 Census process noting the importance of participation and a number of items for which census data was used. Councilmember Tyndall asked if a countdown could be included on the website and in the Council Packets. Ms. Bohlen indicated that information for the website was currently being developed.

c. Police Chief – Arnold Downing

Chief Downing had nothing to report.

d. Electric Utility Director – Tim Lawrence



Mr. Lawrence reported on work the Electric Utility had done in recent days and discussed the power outage experienced during a storm the previous Friday. He also noted the progress of the Department's apprentices. Councilmember Tyndall praised the Department's recent work in replacing a pole on Middle Street.

e. Water Resources Director – Jamey Latchum

Mr. Latchum discussed the previous week's water main break at Broad and West Streets and thanked the State Highway Administration and other Town departments for their assistance. Councilmember Tyndall noted that a lot of hand-digging went into the project and Mr. Latchum indicated that that was correct but noted the importance of the vac-truck in these types of projects.

f. Planning and Zoning Director – David Engelhart

Mr. Engelhart noted that there would be a Public Hearing regarding rezoning on the agenda for the February 24, 2020 Mayor and Council Meeting and briefly described the request. He also noted that the Planning Commission was scheduled to meet on February 12, 2020 and would be discussion the SonRise Church subdivision, a South Moon Under site plan review for redevelopment and paving, work at Berlin Main Place and a concept plan for the Derrickson property.

7. Town Administrator's Report – Jeffrey Fleetwood

Mr. Fleetwood noted that the Town would hold their first meeting on February 21, regarding healthcare renewal and again in March to prepare a Request for Proposal for the FY21 budget year. He briefly reviewing upcoming planned State Highway road work and noted a planned Social Security Day on March 13 from 1-3 p.m. Mr. Fleetwood also presented photos showing the impact of the new submerged gravel wetland on Graham Avenue. He noted that Public Works, with the assistance of the Water Resources and Electric Departments had completed the debris removal and clean-up at Heron Park and asked for the formal approval of the Mayor and Council to reopen the park. He noted that on or about February 19<sup>th</sup>, EA Engineering would perform the shallow water testing discussed at previous meetings. Councilmember Tyndall moved to re-open the park and approval was unanimous 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				
<i>Voting Tally</i>	5				

8. Comments from the Mayor:

Mayor Williams had no comments.

9. Comments from the Council:

Councilmember Gulyas had no comments.

Councilmember Tyndall requested that data be obtained regarding traffic incidents at Rt. 113 and Germantown Road and Rt. 50 at Rt. 818 to consider in advocating for traffic lights at those locations.

Vice-President Brittingham had no comments.

Councilmember Burrell had no comments.

Councilmember Purnell had no comments.

10. Comments from the Public

~~Mr. Jason Walter commented that few Towns had increased their real property tax rates in the previous year and none at the level of Berlin's increase. Mayor Williams indicated that he acknowledged that not raising taxes for many years was a mistake.~~

Mr. Jason Walter noted the tax examples provided earlier in the meeting and commented that, in the past year, the tax season was inactive with eight municipal increases and eight municipal decreases, all averaging around \$.035. Mr. Walter indicated that Berlin's taxes increased \$.12 or 320% of the average increase of the eight that increased of the 157 Maryland municipalities, which was probably about twice the state-wide average. Mayor Williams indicated that tax rates in this area tended to be higher than in more metropolitan areas. Mr. Walter indicated that the property values were lower, which was not the case in Berlin. Councilmember Purnell indicated that he did not agree with that assessment noting that Montgomery County and Prince Georges were higher. Mr. Walter commented that that was not the Eastern Shore and indicated that, outside the beltway, Berlin was the most expensive municipality in the state. He further indicated that the Town he grew up in (unnamed) in Frederick County was very comparable to Berlin and had a \$.05 decrease and was more efficient. Mayor Williams noted that the figures presented earlier were projections to provide the Council information on what was needed to undertake certain projects and he would make a recommendation on March 9<sup>th</sup>. He stated that if he had anything to apologize for it was for not raising taxes in earlier years.

Mr. Jim Meckley noted that there was ponding at Main and Burleigh Streets during significant rain events; Mr. Latchum noted that there had been tree-trimming debris dumped in the ditch, but that it had been cleaned out and drainage was expected to significantly improve.

Mr. Jack Orris asked if the crack-sealing machine discussed during the budget work session could be used for all of the proposed road work and Mr. Fleetwood indicated that it could not; it was only for sealing cracks. Mr. Orris also asked for clarification as to whether there would be additional costs associated with the purchase of the police vehicle and Chief Downing indicated that it included all accessory and emergency equipment.

11. Comments from the Press – none.

12. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 8:30 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				
<i>Voting Tally</i>	5				



Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mary T. Bohlen", with a long, sweeping horizontal line extending to the right.

Mary T. Bohlen  
Deputy Town Administrator



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Work Session**  
**Monday, March 9, 2020**

**6:00 PM      WORK 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, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells and Town Attorney David Gaskill.

Mayor Williams provided a brief introduction and explained that this Worksession was to begin to address the issue of short-term rentals (like AirBnB). He noted that the regulation or lack thereof was a rising concern for many local governments and that staff, boards, and Councilmembers had been researching and discussing this issue with the intent of developing language appropriate for Berlin, hopefully to be introduced at the next Regular Meeting of the Mayor and Council.

Discussion followed regarding the definition of a short-term rental, particularly as regards the length-of-stay that may trigger a rental being considered other than short-term. The suggested term was no more than 28-days consecutively. Mr. Engelhart indicated that that term conforms with Worcester County regulations as well as regulations regarding room tax.

Discussion followed regarding the various zoning districts as pertains to potential regulations as well as how the suggested fee structure was calculated.

Mayor Williams noted that it was suggested that short-term rentals only be allowed where the residence was the owner's primary residence; this would avoid homes being purchased solely for the purpose of establishing short-term rentals.

Additional discussion regarding zoning followed. Mayor Williams asked for Council input on only allowing this activity in R-1 and R-2 districts; Councilmember Purnell opined that it should not be limited to R-1 and -2. Discussion regarding potential issues, such as noise and parking issues, which other residents might experience followed. Discussion regarding potential impacts on property value followed.

Councilmember Tyndall asked Mr. Engelhart about associated property inspections. Mr. Engelhart indicated that our current building inspection contractor was also performing these types of inspections in other communities and that he did not expect a lengthy turnaround between request and completion of inspection.

Councilmember Burrell asked if there was an estimate of how many properties were in use in this capacity and Mr. Engelhart indicated that he believed there were 10 and that all but one was owner-occupied.

Additional discussion regarding zoning followed.



Discussion regarding parking followed with general consensus being that off-street parking should be required.

Discussion followed regarding bedroom size, the importance of licensing and regulation of licensing notification/posting and the need for clarification regarding the Maryland lodging tax.

Councilmember Gulyas indicated that he would appreciate more input from R-1 and R-2 property owners and the Mayor reminded all that there would be a public hearing on any proposed Ordinance.

Councilmember Tyndall expressed his desire to take sufficient time to develop an Ordinance. Mayor Williams indicated that it was desirable to have regulation in place ahead of the rental season. Councilmember Tyndall asked to wait until after the budget process. Councilmember Burrell indicated that he could see both sides of the issue – as a homeowner desiring a certain standard of living in his neighborhood and as a homeowner desiring to be able to utilize his property as desired. Councilmember Tyndall noted that some towns require notification of neighbors.

Discussion regarding introduction of an Ordinance and Public Hearing followed.

On the motion of Councilmember Burrell, the Worksession was adjourned into Executive Session at approximately 6:40 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mary T. Bohlen".

Mary T. Bohlen  
Deputy Town Administrator



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, March 9, 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, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, and Town Attorney David Gaskill.

**Absent:** Finance Director Natalie Saleh

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 02/10/20:

On the motion of Councilmember Gulyas, the Executive Session minutes of February 10, 2020 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>	5				

b. Statement of Closure for Executive Session of 02/10/20:

Mayor Williams read the Statement of Closure.

c. Work Session of 02/10/20:

On the motion of Councilmember Gulyas, the Work Session minutes of February 10, 2020 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>	5				



## d. Regular Session of 02/10/20:

Councilmember Tyndall indicated that he had received a phone call requesting additional information to be included in the first paragraph of item #10. Approval of the minutes was postponed to the following meeting.

## 2. Motion 2020-06; Request to use Stephen Decatur Park for Berlin Boxing and Youth on Saturday, March 21, 2020

The individual requesting approval had cancelled earlier in the day.

Town Administrator Jeff Fleetwood introduced Ms. Zara Puig-Lugo, a student at Stephen Decatur High School who was working with the Town on obtaining her required service hours.

## 3. Electric Utility Administrative Matters:

## a. Resolution 2020-03; Master Services Agreement, Supply Schedule and Transaction Confirmation

Mr. Fleetwood read the Resolution as presented. Councilmember Tyndall moved to approve, 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				
<i>Voting Tally</i>	5				

## b. Motion 2020-07; Authorizing the Mayor to sign an agreement with Betts and Holt, LLP for legal services regarding the Electric Department and other Energy Related Matters.

Following brief discussion, Councilmember Tyndall moved to approve, 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				
<i>Voting Tally</i>	5				

Mr. Fleetwood noted that the approval of the Risk Management Policy would be on the agenda for the March 23, 2020 Meeting.

## 4. Initial Presentation/Discussion – Resilience Element Addition to Comprehensive Plan

Planning Director Dave Engelhart thanked Deputy Town Administrator Mary Bohlen for her assistance with this project and explained that the draft Resilience Element was initiated under the previous Town Administrator and was the result of more than a year's work utilizing funding passed through the Maryland Department of Natural Resources from the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Department of Commerce and was drafted by the University of Maryland Environmental Finance Center. Mr. Engelhart noted that review of the Town's

Comprehensive Plan was required every 10 years and that the Resilience Element was being proposed as an addition to the Plan for 2020. He spoke to the purpose of Berlin's draft Resilience Element in preparing for the effects of climate changed, particularly regarding localized, nuisance flooding and the need to protect critical infrastructure and facilities. Ms. Bohlen noted that the Mayor and Council was asked to review and make comment on the Element. She also noted that there were several paper copies of the available and that it would be placed on the Town's website for public review and comment. Mr. Engelhart indicated that the Planning Commission had been asked to review and comment on the draft element and would be approaching the Mayor and Council later in the year with recommendations for the Comprehensive Plan to include incorporation of the Resilience Element.

5. Introduction: Ordinance 2020-02; Setting the Real Property Tax Rate for Fiscal Year 2021

Mayor Williams noted that a \$.03 real property tax rate increase was being proposed and that the public hearing would be held on Monday, March 23, 2020.

6. Departmental Reports:

a. Deputy Town Administrator – Mary Bohlen

Ms. Bohlen noted the planned schedule for Census 2020 and reemphasized the importance of participation.

b. Water Resources Director – Jamey Latchum

Mr. Latchum noted indicated that his department was working on replacing meters and had attended to a sewer collapse the previous week on Flower Street.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence indicated that work on engine replacement at the power plant continued and that two employees had attended the LGIT Leadership Conference.

Mr. Fleetwood discussed the insurance coverage of generator number 2, which had been suspended pending required repair/maintenance work on the fuel pumps/injectors to reset them to OEM specifications. These parts have been shipped to the manufacturer for the necessary work and are expected to be returned in approximately 3 weeks.

d. Police Chief – Arnold Downing

Chief Downing noted that Berlin was currently working with the Worcester Health Department Law Enforcement Diversion Grant program to keep people out of the law enforcement system by seeking alternate programs. He also noted that the Department was seeking certified and non-certified personnel to fill vacancies and that personnel were involved in various trainings.

e. Planning and Zoning Director – David Engelhart

Mr. Engelhart addressed recent demolition on Washington Street and the intended development of a mixed used building with storage on the ground floor and residential units on the 2<sup>nd</sup> floor.

f. Economic and Community Development Director – Ivy Wells

Ms. Wells indicated that the Loading Zone and 15-minute parking signs should be in place soon. She also indicated that the Farmers Market would begin in coming weeks, a Bee City meeting was to be held this Thursday and 9:00 a.m. and that March is student art month; encouraging all to view the various artworks displayed throughout the downtown businesses. She also discussed new businesses and upcoming events.



## 7. Town Administrator's Report – Jeffrey Fleetwood

Mr. Fleetwood indicated that Heron Park had passed the recent well testing for pH and chloride and that MDE was expected to address the status of their case regarding the chemical spill shortly. He noted that the large area of dirt would soon be seeded. He also indicated that street work based on ranking established several years ago was scheduled to begin in coming months and that work on Buckingham Road would begin next week.

## 8. Comments from the Mayor:

Mayor Williams had no comments.

## 9. Comments from the Council:

Councilmember Gulyas had no comments.

Councilmember Tyndall had no comments.

Vice-President Brittingham had no comments.

Councilmember Burrell thanked Ms. Carol Jacobs for her comments regarding the short-term rental issue.

Councilmember Purnell asked Mr. Fleetwood about the status of the Southeast Rural Community Assistance Project, Inc. (SERCAP) report and Mr. Fleetwood indicated that it should be forthcoming within the next month.

## 10. Comments from the Public:

Mr. Jason Walter indicated that Berlin's tax rate was near double the state average by approximately \$.43. Mayor Williams noted that the effects of property assessments would take until approximately 2022 to be realized. Mr. Walter indicated that the tax revenue had increased by approximately \$1,000,000 between 2015 and 2020 and Mayor Williams noted that expenses had also increased.

## 11. Comments from the Press – none.

## 12. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 7:50 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				
<b>Voting Tally</b>	<b>5</b>				

Respectfully Submitted,



Mary Bohlen  
Deputy Town Administrator



## MOTION OF THE MAYOR AND COUNCIL 2020-08

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE PJM RISK MANAGEMENT POLICY, PROCEDURES, AND CONTROL PROVISIONS.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 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 \_\_\_\_\_, 2020 by the Mayor of the Town of Berlin.

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

ATTEST: \_\_\_\_\_  
Jeffrey Fleetwood, Town Administrator

**PJM MINIMUM PARTICIPATION CRITERIA**  
OFFICER CERTIFICATION FORM

**Participant Name:** \_\_\_\_\_ (**"Participant"**)

I, \_\_\_\_\_, a duly authorized officer of Participant, understanding that PJM Interconnection, L.L.C. and PJMSettlement, Inc. ("PJMSettlement") are relying on this certification as evidence that Participant meets the minimum requirements set forth in the PJM Open Access Transmission Tariff ("PJM Tariff"), Attachment Q hereby certify that I have full authority to represent on behalf of Participant and further represent as follows, as evidenced by my initialing each representation in the space provided below:

1. All employees or agents transacting in markets or services provided pursuant to the PJM Tariff or PJM Amended and Restated Operating Agreement ("PJM Operating Agreement") on behalf of the Participant have received appropriate<sup>1</sup> training and are authorized to transact on behalf of Participant. \_\_\_\_\_
2. Participant has written risk management policies, procedures, and controls, approved by Participant's independent risk management function<sup>2</sup> and applicable to transactions in the PJM Markets in which it participates and for which employees or agents transacting in markets or services provided pursuant to the PJM Tariff or PJM Operating Agreement have been trained, that provide an appropriate, comprehensive risk management framework that, at a minimum, clearly identifies and documents the range of risks to which Participant is exposed, including, but not limited to credit risks, liquidity risks and market risks. \_\_\_\_\_
3. An FTR Participant must make either the following 3.a. or 3.b. additional representations, evidenced by the undersigned officer initialing either the one 3.a. representation or the six 3.b. representations in the spaces provided below:
  - 3.a. Participant transacts in PJM's FTR markets with the sole intent to hedge congestion risk in connection with either obligations Participant has to serve load or rights Participant has to generate electricity in the PJM Region ("physical

<sup>1</sup>As used in this representation, the term "appropriate" as used with respect to training means training that is (i) comparable to generally accepted practices in the energy trading industry, and (ii) commensurate and proportional in sophistication, scope and frequency to the volume of transactions and the nature and extent of the risk taken by the participant.

<sup>2</sup>As used in this representation, a Participant's "independent risk management function" can include appropriate corporate persons or bodies that are independent of the Participant's trading functions, such as a risk management committee, a risk officer, a Participant's board or board committee, or a board or committee of the Participant's parent company.



transactions”) and monitors all of the Participant’s FTR market activity to endeavor to ensure that its FTR positions, considering both the size and pathways of the positions, are either generally proportionate to or generally do not exceed the Participant’s physical transactions, and remain generally consistent with the Participant’s intention to hedge its physical transactions. \_\_\_\_\_

- 3.b. On no less than a weekly basis, Participant values its FTR positions and engages in a probabilistic assessment of the hypothetical risk of such positions using analytically based methodologies, predicated on the use of industry accepted valuation methodologies. \_\_\_\_\_

Such valuation and risk assessment functions are performed either by persons within Participant’s organization independent from those trading in PJM’s FTR markets or by an outside firm qualified and with expertise in this area of risk management. \_\_\_\_\_

Having valued its FTR positions and quantified their hypothetical risks, Participant applies its written policies, procedures and controls to limit its risks using industry recognized practices, such as value-at-risk limitations, concentration limits, or other controls designed to prevent Participant from purposefully or unintentionally taking on risk that is not commensurate or proportional to Participant’s financial capability to manage such risk. \_\_\_\_\_

Exceptions to Participant’s written risk policies, procedures and controls applicable to Participant’s FTR positions are documented and explain a reasoned basis for the granting of any exception. \_\_\_\_\_

Participant has provided to PJMSettlement, in accordance with Tariff, Attachment Q, section I.B, a copy of its current governing risk management policies, procedures and controls applicable to its FTR trading activities. \_\_\_\_\_

If the risk management policies, procedures and controls applicable to Participant’s FTR trading activities submitted to PJMSettlement were submitted prior to the current certification, Participant certifies that no substantive changes have been made to such policies, procedures and controls applicable to its FTR trading activities since such submission. \_\_\_\_\_

4. Participant has appropriate personnel resources, operating procedures and technical abilities to promptly and effectively respond to all PJM communications and directions. \_\_\_\_\_
5. Participant has demonstrated compliance with the Minimum Capitalization criteria set forth in Tariff, Attachment Q that are applicable to the PJM Market(s) in which Participant transacts, and is not aware of any change having occurred or being imminent that would invalidate such compliance. \_\_\_\_\_

6. All Participants must certify and initial in at least one of the four sections below:

- a. I certify that Participant qualifies as an “appropriate person” as that term is defined under section 4(c)(3), or successor provision, of the Commodity Exchange Act or an “eligible contract participant” as that term is defined under section 1a(18), or successor provision, of the Commodity Exchange Act. I certify that Participant will cease transacting in PJM’s Markets and notify PJMSettlement immediately if Participant no longer qualifies as an “appropriate person” or “eligible contract participant.” \_\_\_\_\_

If providing financial statements to support Participant’s certification of qualification as an “appropriate person:”

I certify, to the best of my knowledge and belief, that the financial statements provided to PJMSettlement present fairly, pursuant to such disclosures in such financial statements, the financial position of Participant as of the date of those financial statements. Further, I certify that Participant continues to maintain the minimum \$1 million total net worth and/or \$5 million total asset levels reflected in these financial statements as of the date of this certification. I acknowledge that both PJM and PJMSettlement are relying upon my certification to maintain compliance with federal regulatory requirements. \_\_\_\_\_

If providing financial statements to support Participant’s certification of qualification as an “eligible contract participant:”

I certify, to the best of my knowledge and belief, that the financial statements provided to PJMSettlement present fairly, pursuant to such disclosures in such financial statements, the financial position of Participant as of the date of those financial statements. Further, I certify that Participant continues to maintain the minimum \$1 million total net worth and/or \$10 million total asset levels reflected in these financial statements as of the date of this certification. I acknowledge that both PJM and PJMSettlement are relying upon my certification to maintain compliance with federal regulatory requirements. \_\_\_\_\_

- b. I certify that Participant has provided an unlimited Corporate Guaranty in a form acceptable to PJM as described in Tariff, Attachment Q, section II.C from an issuer that has at least \$1 million of total net worth or \$5 million of total assets per Participant for which the issuer has issued an unlimited Corporate Guaranty. I certify that Participant will cease transacting PJM’s Markets and notify PJMSettlement immediately if issuer of the unlimited Corporate Guaranty for Participant no longer has at least \$1 million of total net worth or \$5 million of total assets per Participant for which the issuer has issued an unlimited Corporate Guaranty. \_\_\_\_\_

I certify that the issuer of the unlimited Corporate Guaranty to Participant continues to have at least \$1 million of total net worth or \$5 million of total assets per Participant for which the issuer has issued an unlimited Corporate Guaranty. I



acknowledge that PJM and PJMSettlement are relying upon my certifications to maintain compliance with federal regulatory requirements. \_\_\_\_\_

c. I certify that Participant fulfills the eligibility requirements of the Commodity Futures Trading Commission exemption order (78 F.R. 19880 – April 2, 2013) by being in the business of at least one of the following in the PJM Region as indicated below (initial those applicable):

1. Generating electric energy, including Participants that resell physical energy acquired from an entity generating electric energy: \_\_\_\_\_
2. Transmitting electric energy: \_\_\_\_\_
3. Distributing electric energy delivered under Point-to-Point or Network Integration Transmission Service, including scheduled import, export and wheel through transactions: \_\_\_\_\_
4. Other electric energy services that are necessary to support the reliable operation of the transmission system: \_\_\_\_\_

Description only if c(4) is initialed:

---

Further, I certify that Participant will cease transacting in the PJM Markets and notify PJMSettlement immediately if Participant no longer performs at least one of the functions noted above in the PJM Region. I acknowledge that PJM and PJMSettlement are relying on my certification to maintain compliance with federal energy regulatory requirements. \_\_\_\_\_

- d. I certify that Participant has provided a letter of credit of \$5 million or more to PJMSettlement in a form acceptable to PJMSettlement as described in Tariff, Attachment Q, section III.B that the Participant acknowledges cannot be utilized to meet its credit requirements to PJMSettlement. I acknowledge that PJM and PJMSettlement are relying on the provision of this letter of credit and my certification to maintain compliance with federal regulatory requirements. \_\_\_\_\_
7. I acknowledge that I have read and understood the provisions of Tariff, Attachment Q applicable to Participant's business in the PJM Markets, including those provisions describing PJM's minimum participation requirements and the enforcement actions available to PJMSettlement of a Participant not satisfying those requirements. I acknowledge that the information provided herein is true and accurate to the best of my belief and knowledge after due investigation. In addition, by signing this certification, I



acknowledge the potential consequences of making incomplete or false statements in this Certification. \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

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

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

**PJM MINIMUM PARTICIPATION CRITERIA  
OFFICER CERTIFICATION FORM**

Participant Name: Town of Berlin ("Participant")

I, Anthony J. Carson Jr, a duly authorized officer of Participant, understanding that PJM Interconnection, L.L.C. and PJM Settlement, Inc. ("PJMSettlement") are relying on this certification as evidence that Participant meets the minimum participation requirements set forth in Attachment Q to the PJM Open Access Transmission Tariff ("PJM Tariff"), hereby certify that I have full authority to represent on behalf of Participant and further represent as follows, as evidenced by my initialing each representation in the space provided below:

All employees or agents transacting in markets or services provided pursuant to the PJM Tariff or PJM Amended and Restated Operating Agreement ("PJM Operating Agreement") on behalf of the Participant have received appropriate<sup>1</sup> training and are authorized to transact on behalf of Participant. AC

2. Participant has written risk management policies, procedures, and controls, approved by Participant's independent risk management function<sup>2</sup> and applicable to transactions in the PJM markets in which it participates and for which employees or agents transacting in markets or services provided pursuant to the PJM Tariff or PJM Operating Agreement have been trained, that provide an appropriate, comprehensive risk management framework that, at a minimum, clearly identifies and documents the range of risks to which Participant is exposed, including, but not limited to credit risks, liquidity risks and market risks. AC

3. An FTR Participant (as defined in Attachment Q to the PJM Tariff) must make either the following 3.a. or 3.b. additional representations, evidenced by the undersigned officer initialing either the one 3.a. representation or the five 3.b. representations in the spaces provided below:

3.a. Participant transacts in the FTR markets solely to hedge the congestion risk related to the Participant's physical transactions as a load serving entity or generation provider and monitors all of the Participant's FTR market activity to ensure its FTR positions, considering both the level and pathways, are generally proportionate to and appropriate for the Participant's physical transactions as a load serving entity or generation provider. AC / NA

3.b. On no less than a weekly basis, Participant values its FTR positions and engages in a probabilistic assessment of the hypothetical risk of such positions using analytically based methodologies, predicated on the use of industry accepted valuation methodologies. AC / NA

<sup>1</sup> As used in this representation, the term "appropriate" as used with respect to training means training that is (i) comparable to generally accepted practices in the energy trading industry, and (ii) commensurate and proportional in sophistication, scope and frequency to the volume of transactions and the nature and extent of the risk taken by the participant.

<sup>2</sup> As used in this representation, a Participant's "independent risk management function" can include appropriate corporate persons or bodies that are independent of the Participant's trading functions, such as a risk management committee, a risk officer, a Participant's board or board committee, or a board or committee of the Participant's parent company.

Such valuation and risk assessment functions are performed either by persons within Participant's organization independent from those trading in PJM's FTR markets or by an outside firm qualified and with expertise in this area of risk management. AC/NA

Having valued its FTR positions and quantified their hypothetical risks, Participant applies its written policies, procedures and controls to limit its risks using industry recognized practices, such as value-at-risk limitations, concentration limits, or other controls designed to prevent Participant from purposefully or unintentionally taking on risk that is not commensurate or proportional to Participant's financial capability to manage such risk. AC/NA

Exceptions to Participant's written risk policies, procedures and controls applicable to Participant's FTR positions are documented and explain a reasoned basis for the granting of any exception. AC/NA

Participant has provided to PJMSettlement, in accordance with Section II A. of Attachment Q to the PJM Tariff, a copy of its current governing risk management policies, procedures and controls applicable to its FTR trading activities. AC

4. Participant has appropriate personnel resources, operating procedures and technical abilities to promptly and effectively respond to all PJM communications and directions. AC
5. Participant has demonstrated compliance with the Minimum Capitalization criteria set forth in Attachment Q of the PJM Open Access Transmission Tariff that are applicable to the PJM market(s) in which Participant transacts, and is not aware of any change having occurred or being imminent that would invalidate such compliance. AC
6. I acknowledge that I have read and understood the provisions of Attachment Q of the PJM Tariff applicable to Participant's business in the PJM markets, including those provisions describing PJM's minimum participation requirements and the enforcement actions available to PJMSettlement of a Participant not satisfying those requirements. In addition, by signing this Certification, I acknowledge the potential consequences of making incomplete or false statements in this Certification. AC

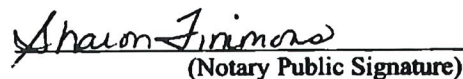
Date: 9-14-11

  
(Signature)

Print Name: Anthony J. Carson, Jr

Title: Town Administrator

Subscribed and sworn before me Sharon Jimenez, a notary public of the State of Maryland, in and for the County of Worcester, this 14<sup>th</sup> day of September, 20 11.

  
(Notary Public Signature)

My commission expires: 9 / 13 / 2013



**September 7, 2011**

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

**PJM Risk Management Policy, Procedure, and Control  
September 12, 2011**

**Policy:**

Participation on behalf of the Town in PJM markets will be limited to arrangements for Network Integration Transmission Service (NITS) and associated Ancillary Services, capacity obligations (Locational Reliability), and administrative 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. 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 or congestion 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, 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 2020-09

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE PARTNERING WITH WORCESTER COUNTY AND MOVING THE LOCATION OF THE FIREWORKS FROM HERON PARK TO THE WORCESTER COUNTY PARK ON THE SOUTH END OF BERLIN.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 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 \_\_\_\_\_, 2020 by the Mayor of the Town of Berlin.

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

ATTEST: \_\_\_\_\_  
Jeffrey Fleetwood, Town Administrator



**Worcester County**  
Department of Recreation & Parks

Tom Perlozzo, Director

6030 Public Landing Road, Snow Hill, Maryland 21863  
410.632.2144 • Fax: 410.632.1585

April 7, 2020

Town of Berlin  
Attn: Ivy Wells  
10 William Street  
Berlin, MD 21811

Dear Ivy,

The Worcester County Department of Recreation & Parks is awaiting approval from the County Commissioners April 14<sup>th</sup> meeting on the request to partner with the Town of Berlin for the July 3<sup>rd</sup> fireworks display to be held at the Northern Worcester Athletic Complex.

Our staff is eager and willing to work with you to bring entertainment, kids activities, vendors, games as well as working with our specific non-profits. The department will cover expenses associated with its activities as mentioned. Further development of a program could be addressed at your convenience.

We are extremely excited to offer a new and unique family style event to the community. Thank you and should you need anything else, please feel free to reach out.

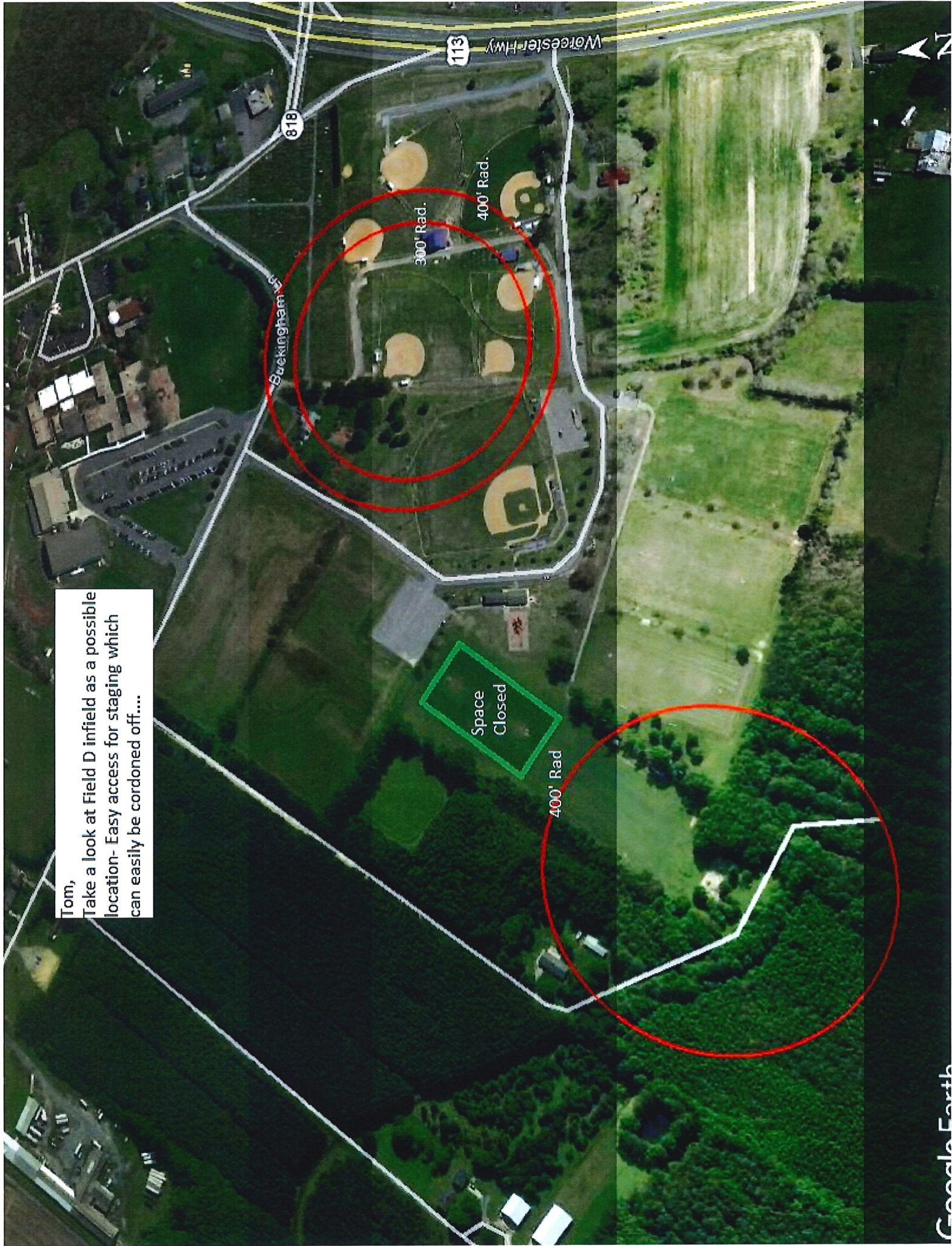
Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Perlozzo", is written over the word "Sincerely,".

Tom Perlozzo, Director  
Worcester County Dept.  
of Recreation, Parks, Tourism & Economic Development



Tom,  
Take a look at Field D infield as a possible  
location- Easy access for staging which  
can easily be cordoned off....







ORDINANCE 2020-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN,  
MARYLAND, A MARYLAND MUNICIPAL CORPORATION, SETTING THE REAL  
PROPERTY TAX RATE FOR FISCAL YEAR 2021

WHEREAS the Town Charter § C3-10 requires that the Mayor and Council pass an Ordinance setting the real property tax rate necessary to sustain the Town's budget; and

WHEREAS the Mayor and Council have determined what the real property tax rate shall be.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that the tax rate for fiscal year 2020-2021 shall be \$.80 per \$100.00 of assessed value of real property located within the Town limits of Berlin, Maryland.

**THIS ORDINANCE** was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and thereafter a statement of the substance of the Ordinance was published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ in favor to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining, and \_\_\_\_\_ absent.

\_\_\_\_\_  
Elroy Brittingham, Vice President

This Ordinance was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by the Mayor of the Town of Berlin and is effective at the start of the 2021 Fiscal Year on July 1, 2020.

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

ATTEST:

\_\_\_\_\_  
Jeffrey Fleetwood, Town Administrator