



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

**Berlin Town Hall**  
**10 William Street**  
**Monday, April 10, 2023**

**NEW AGENDA FORMAT:** Please note that times indicated below are approximate. Also note additional timing protocols that may be indicated for specific agenda items.

**5:00 PM            CLOSED SESSION – Conference Room**

- 1) Statement of Closure – Mayor Zack Tyndall
- 2) Public comments or questions regarding the purpose for closure
- 3) Motion to close and adjournment to Executive Session
- 4) Executive Session Agenda: Discussion re: PayPoint HR Wage and Compensation Study Findings Review. Pursuant to Maryland Code; General Provisions Article; Sec. 3-305(b)(1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

**7:00 PM            CALL TO ORDER, REGULAR SESSION – Council Chambers**

**1. 7:05 PM            CONSENT AGENDA:**

- a) Approval of Minutes
  1. Executive Session of 3.23.23
  2. Work Session of 3.23.23
  3. Executive Session of 3.27.23
  4. Regular Session of 3.27.23
  5. Work Session of 4.3.23

**2. 7:10 PM            PROCLAMATION: 2023-03: Take Pride in Berlin Week – Mayor Zack Tyndall**

**3. 7:15 PM            PRESENTATION:**

- a) Donation to Horticulture Advisory Committee from We Heart Berlin for flowers at Burbage Park – We Heart Berlin President Tony Weeg
- b) Atlantic General Hospital Updates – President & CEO Don Owrey

**4. 7:40 PM            DISCUSSION ITEM: Request for Proposal: Storm Water Project – Water Resources Director Jamey Latchum & EA Engineering Project Manager Darl Kolar**

**5. 7:50 PM            FIRST READING: Ordinance 2023-02 FY24 Real Estate Tax Rate – Mayor Zack Tyndall (Public Hearing on April 24, 2023)**

**6. 8:00 PM            ITEM(S) FOR APPROVAL:**

- a) Special Permit Application for Berlin 50plus Center Movie Night on Friday, June 9<sup>th</sup>, 2023, at Stephen Decatur Park – Berlin Site Manager Kelly Jenkins
- b) Motion 2023-11: Memorandum of Understanding with Maryland Delaware Railroad Company regarding the Proposed Berlin Bikeway Project – Planning Director David Engelhart

- 7. 8:15 PM            REPORTS:** Town Administrator's Report, Departmental Reports  
a) Water Resources: SBR2 Motive Pump Emergency Repair - Director Jamey Latchum

**8. 8:25 PM            COMMENTS FROM THE PUBLIC**

Any person who may wish to speak on a matter at the Regular Session may be heard during COMMENTS FROM THE PUBLIC for a period of five (5) minutes or such time as may be deemed appropriate by the Mayor. Anyone wishing to be heard shall state their name, street name, and subject on which they wish to speak.

**9. 8:35 PM            COMMENTS FROM THE COUNCIL**

**10. 8:45 PM           COMMENTS FROM THE MAYOR**

**11. 8:50 PM           COMMENTS FROM THE PRESS**

**12. 8:55 PM           ADJOURNMENT**

To access the Meeting via Facebook, please click the blue Facebook icon at the top of any page on [www.berlinmd.gov](http://www.berlinmd.gov), or type @townofberlinmd in the Facebook search bar. QR code links to online packet.

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Mary Bohlen at (410) 641-2770. 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/outside Maryland dial 1-800-735-2258.





## Closed Session Summary

To be included in the minutes in the next Open Meeting

**1. Statement of the time, place, and purpose of the closed session:**

- a. Time of closed session: March 23, 2023, 6:00 PM
- b. Place (location) of closed session: Vote to Close (live on Facebook): Mayor and Council Chambers; Meeting: Conference Room
- c. Purpose of the closed session: Discussion re: Ongoing negotiations in reference to the sale of parcels at Heron Park
- d. Date and time that we will return to public meeting: Thursday, March 23, 2023, 6:30 PM (Worksession)

**2. Record of the vote of each member as to closing the session:**

- a. Motion to close meeting made by: Knerr
- b. Seconded by: Nichols
- c. Members voting in favor: Unanimous
- d. Members opposed: None
- e. Members abstaining: None
- f. Members absent: None

**3. Statutory authority to close session:**

This meeting was closed under the following provisions of General Provisions Article § 3-305(b):

(7) To consult with counsel to obtain legal advice on a legal matter;

(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**4. Listing of each topic actually discussed, persons present, and each action taken in the session:**

Topic description	Persons present for discussion	Action taken/each recorded vote
Ongoing negotiations in reference to the sale of parcels at Heron Park	Z. Tyndall, D. Burrell, S. Green, J. Knerr, S. Nichols, J. Orris M. Bohlen, D. Gaskill	Unanimous vote to express certain terms of the sale as discussed.

**This statement was made by: Mayor Zack Tyndall, presiding officer**

**List members who have received open meetings training (at least one member must be in attendance during closed session):** Mayor Zack Tyndall, Councilmember Jack Orris, Town Administrator Mary Bohlen, Human Resources Director Kelsey Jensen, and Town Attorney David Gaskill.

CLOSED SESSION  
MAYOR AND COUNCIL OF BERLIN MARYLAND  
Thursday, March 23, 2023

**Present:** Mayor Zackery Tyndall, Council V-P Dean Burrell, Councilmembers Steve Green, Jay Knerr, Shaneka Nichols and Jack Orris

**Staff Present:** Town Administrator Mary Bohlen and Town Attorney David Gaskill

**Absent:** None

**Others present:** None

**Authority to close session:** Pursuant to Maryland General Provisions Article; Sec 3-305(b):

(7) To consult with counsel to obtain legal advice on a legal matter; and

(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

- a. Ongoing negotiations in reference to the sale of parcels at Heron Park

The start of the meeting and vote to close the session was streamed live via Facebook.

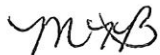
On Thursday, March 23, 2023 at approximately 6:00 PM, Mayor Tyndall read the published statement of closure, which indicated the purpose of the session as noted above. Councilmember Knerr so moved, Councilmember Nichols seconded and approval was unanimous.

The Facebook livestream ended, and the Closed Session moved to the Conference Room.

REMAINDER OF MINUTES REDACTED FOR INCLUSION IN OPEN RECORD
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Without formal motion or vote the Closed Session adjourned at approximately 6:37 PM.

Respectfully Submitted,



Mary T. Bohlen  
Town Administrator



## BERLIN MAYOR AND COUNCIL

### Meeting Minutes

#### Work Session with the Berlin Fire Company and Fire Company EMS

Thursday, March 23, 2023

#### 6:00 PM WORK SESSION – Berlin Town Hall Council Chambers

**Present:** Mayor Zackery Tyndall, Vice-President Dean Burrell, Councilmembers Steve Green, Jay Knerr, Shaneka Nichols, and Jack Orris.

**Staff Present:** Town Administrator Mary Bohlen, Town Attorney David Gaskill, and Administrative Assistant Kate Daub

**Others Present:** Berlin Fire Company President David Fitzgerald and Berlin Fire Company Chief RJ Rhode.

This meeting was also broadcast live via Facebook. Mayor Tyndall called the meeting to order at approximately 6:40 PM.

Mayor Tyndall indicated the Work Session was scheduled to discuss items relating to Berlin Fire Company and Fire Company EMS capital items, future contracts, and funding. He stated that the Mayor and Council agreed to alter its County grant request for Fiscal Year 2024 to include the shifting of funds for the proposed Phase One Flower Street roundabout project in order to help offset the cost of funding to the Fire Company EMS.

Berlin Fire Company President David Fitzgerald distributed a handout that outlined the capital expenses for Fire Company Emergency Medical Services (EMS); he said in an effort to save time, there were specific topics he wanted to focus on during the EMS portion of the work session. Mr. Fitzgerald noted the cost of ambulances has increased significantly. He referred to an outline included in the handout which showed the price breakdown and said a new ambulance is estimated to cost roughly \$403,000; he said this is an increase of approximately \$100,000 since the need for an ambulance was first introduced to Mayor and Council in September 2022. He said he expects the cost to increase again by \$20,000 in one to two years at which time they will need to purchase an additional ambulance. Mr. Fitzgerald said a decision must be made to order a new ambulance in the next two to three months to ensure they receive it in July 2025. He said the Fire Company Strategic Planning Committee met a few weeks ago and opted to make a request to the County Commissioners for an increase in funding for ambulance replacement in the FY24 budget; he confirmed \$75,000 was requested. He acknowledged that if the County comes through with \$75,000 and the Town contributes \$45,000, they would be able to move forward with the purchase of the first ambulance.

Councilmember Orris asked to confirm the in-town and out-of-town percentage of EMS calls received. Mr. Fitzgerald answered a consistent average is approximately sixty percent in-town and forty percent out-of-town. Mayor Tyndall asked if the numbers are adjusted for nursing homes and hospital calls; Mr. Fitzgerald said the numbers have never been adjusted and Chief Rhode added that the properties are still in Town. Mayor Tyndall noted that residents of those facilities are required to have insurance in place and that, because of that those calls should be noted and the total calls adjusted accordingly. He also asked how many units other Towns have compared to Berlin. Mr. Fitzgerald said Ocean City has ten or eleven units, but most have two; he added that Pocomoke, Ocean Pines, and Berlin have three units.

Mr. Fitzgerald said they use the model outlined in the Matrix Study to rotate the use of their vehicles; he said all ambulances are in service and fully equipped, adding they would need to buy ambulances more frequently if they did not rotate. Mayor Tyndall asked how frequent the purchase would be; Mr. Fitzgerald estimated the lifespan of each ambulance would be cut in half. Councilmember Knerr asked to confirm an ambulance is

replaced on a two-year cycle and each unit has a ten-year lifespan. Mr. Fitzgerald confirmed, adding the intention was to replace all ambulances at the same time so that equipment and technology is consistent; he said that funding does not allow them to stay on that schedule. Councilmember Knerr said he believes their cash flow would change dramatically if they were to consider a three-year replacement cycle. Mr. Fitzgerald admitted it is something they have considered but said he fears it would cause operational issues.

Councilmember Nichols asked if the Fire Company would consider financing the purchase of a new ambulance versus paying cash. Mr. Fitzgerald said he believes they would be kicking the can down the road by financing; he clarified by saying financing would require that any money received from the County would go to the financial institution to pay off the new ambulance. He said there would not be any money going into the bank to save for the next unit, however, he said he would run a report to see what the numbers would look like.

Mayor Tyndall asked if any progress was made regarding the \$48,000 the Mayor and Council allotted to help the Fire Company offset the cost of new cardiac monitors; Mr. Fitzgerald said the monitors have been ordered but had not been delivered. Mayor Tyndall asked to confirm the purchase was for three new life packs; Mr. Fitzgerald confirmed, adding that three mounts have also been ordered as the packs must be mounted. Councilmember Knerr requested that a copy of the contracts be emailed. Mayor Tyndall asked if the transmission modules for the life packs were received; Mr. Fitzgerald said they received all the options needed to do a transmission. Mayor Tyndall asked if the Fire Company received any donations to help cover the balance of the life packs; Mr. Fitzgerald said that enough donations were received to cover the cost. He said he believes they were roughly \$1,200 short, adding they received more donations than anticipated.

Councilmember Nichols asked if fundraising has been successful; Mr. Fitzgerald said the EMS Corporation does not fundraise like the Fire Company. He said they sent out an annual letter asking for donations and donations increased slightly, but he added the letter was not received well.

Mayor Tyndall asked to confirm the collection rate on medical response calls; Mr. Fitzgerald said they were around eighty percent with the old billing company, however, he added they are now using a more aggressive company from an operation standpoint. He said he expects the rate to be higher and added they will have a better idea in June 2023 after the transition period concludes. Mayor Tyndall asked what the loss would be if the EMS Corporation had to run on just the collection of insurance for paid service; Mr. Fitzgerald said they would operate at a 1.3-million-dollar deficit. Mayor Tyndall asked what the driving factors are of the deficit; Mr. Fitzgerald explained that the capital workforce is eighty to ninety percent of the budget along with maintenance, medical and vehicle costs.

Councilmember Knerr asked if the Fire Company has averaged out the cost per call; Mr. Fitzgerald said he did not bring the operational information with him and does not know the number offhand. Councilmember Knerr asked to confirm if the County pays the EMS Corporation a flat rate per call outside of the Town; Mr. Fitzgerald confirmed. Councilmember Knerr asked if the Fire Company has calculated the actual loss per call; Mr. Fitzgerald said he did not have the information available. Mayor Tyndall requested the information be shared.

Councilmember Nichols said she wanted to revisit the comparison between the Police Department and Fire Company that Mr. Fitzgerald made during the discussion; she said it is not fair to compare them because they are apples and oranges. Mr. Fitzgerald said his comparison was made to provide clarification regarding the availability of personnel to handle calls.

Vice President Burrell complemented the ambulance replacement fund and cash flow analysis provided. He followed up on the request to run the comparative numbers between the two-year and three-year replacement cycles.

Councilmember Green asked what the EMS Corporation needs to make a commitment to the vendor for a new ambulance; he asked how much money is needed to reserve the unit. Mr. Fitzgerald said the vendor typically asks for ten percent of the cost; he clarified they would need to come up with \$40,300, adding they currently do not have that in the bank. Mr. Fitzgerald acknowledged that he could ask for flexibility in regard to paying half of the ten percent at the time the unit is ordered and address the balance when they receive County funds on July 1<sup>st</sup>, 2023. He continued by saying he will need confirmation as to how much the Town can contribute given that he expects it will alter their cash flow as the EMS Corporation does not have contingency funds to pull from.

Mayor Tyndall asked where the Fire Company and EMS stood on the Self-Contained Breathing Apparatus (SCBA) units and other capital items; he said the Town has \$220,000 in APRA funds available for the Fire Company and asked if it would be beneficial to redistribute some of the funds to help with the ambulance costs. Mr. Fitzgerald said he would not recommend moving the money; he stated if they are not awarded the grant, they will have to use County and Town funds to purchase the air packs.

Councilmember Knerr asked if the SCBA units are readily available for purchase; Mr. Fitzgerald answered there is a six to eight-month wait. Councilmember Orris asked if there was enough money to buy them using the ARPA and County funds; Mr. Fitzgerald confirmed, adding they would be approximately \$2,000 short. Chief Rhode said it was recommended the EMS Corporation apply for the Assistance to Firefighters Grant which he said they have done. He said the timeline on grant approval works in their favor given that the standards for air packs are potentially changing on January 1<sup>st</sup>, 2024; he explained the extra time would allow them to purchase the air packs under the new standards.

Lengthy discussion followed regarding Fire Company capital funding. Mr. Fitzgerald brought attention to the highlighted page of the handout he provided; he said an engine and a rescue unit have been due for replacement but have been postponed numerous times. He acknowledged the cost for each unit is substantially higher than the costs presented to the Mayor and Council in November 2022. Chief Rhode said the prices highlighted in the handout are likely to change by an additional \$100,000 because they cannot get the order in quickly enough; he said the Environmental Protection Agency (EPA) standards for the units are changing as of January 1, 2027, which will cause an increase in the purchase price. Mr. Fitzgerald confirmed the highlighted portions of the handout are up-to-date numbers; he said if they were to order a new engine and rescue truck by April 2023, the engine would be ready in February 2025 and the rescue truck would be ready in February 2027. Chief Rhode made the Council aware that the new rescue truck they are hoping to purchase will also include a water tank on board; he said this would allow the truck to serve two functions and have various capabilities to complete a successful operation.

Councilmember Knerr asked if all trucks carry the necessary equipment to handle hazmat materials; Chief Rhode clarified most hazmat materials and hazmat calls are handled by the County's Special Operations team. He said their rescue truck has hazmat capabilities that allow them to support an operation until the County team arrives.

Discussion continued regarding the housing of apparatus at each Fire Company station. Mr. Fitzgerald said it is important they rotate the trucks and units to limit wear and tear; he acknowledged they are having to increase maintenance because engines are not being rotated as often as they should.

Councilmember Knerr revisited the topic of fundraising and asked if the Fire Company has discussed the possibility of going back to a casino night; Mr. Fitzgerald said the company is finding it difficult to gather the help and allot the time needed to coordinate a fundraiser. Mayor Tyndall suggested the Fire Company consider participating in Town events in hopes of increasing community support and involvement. Councilmember Nichols suggested getting the Cadet Program involved in fundraising.

Mr. Fitzgerald referred to the handout and highlighted the verbiage concerning the Insurance Services Organization (ISO) and National Fire Protection Association (NFPA) study that recommends how many pieces of apparatus they should have in Town. Mayor Tyndall said he believes the numbers are high. Mr. Fitzgerald said their ISO rating decreased this year, which shows improvement and indicates the Fire Company is meeting the ISO's expectations.

Councilmember Orris asked to confirm that his understanding is correct in that \$350,000 a year is a solid funding amount for the Fire Company. Mr. Fitzgerald confirmed it is a good number and continued by providing a breakdown of the disbursement of funds. Councilmember Orris said that it feels as if the Fire Company will always be behind based on the numbers; Mr. Fitzgerald agreed and said they are looking at potential financing options for the items discussed during the meeting.

Mayor Tyndall said that Fiscal Year 24 is going to be a challenging financial time for the Town and acknowledged he does not know where additional capital for the Fire Company will come from. Mr. Fitzgerald thanked the Mayor and Council for the work session and said he will provide updated numbers regarding the financing for new ambulances next week. Councilmember Green asked how the financial institutions are looking to secure the loan; Mr. Fitzgerald said the local bank will secure it with the apparatus and one of their station properties.

Councilmember Nichols revisited the topic of fundraising and suggested the Fire Company do a calendar; she said she believes people will buy it and it could be a lucrative fundraising option.

The work session was adjourned at approximately 8:06 PM.

Respectfully Submitted,

*Kate Daub*

Kate Daub  
Administrative Assistant



### Closed Session Summary

To be included in the minutes in the next Open Meeting

#### 1. Statement of the time, place, and purpose of the closed session:

- a. Time of closed session: March 27, 2023, 5:00 PM
- b. Place (location) of closed session: Vote to Close (live on Facebook): Mayor and Council Chambers; Meeting: Conference Room
- c. Purpose of the closed session: Discussion re: Draft Wage Compensation and Classification Study
- d. Date and time that we will return to public meeting: March 27, 2023 at 7:00 PM

#### 2. Record of the vote of each member as to closing the session:

- a. Motion to close meeting made by: Orris
- b. Seconded by: Nichols
- c. Members voting in favor: Burrell, Green Knerr
- d. Members opposed: none
- e. Members abstaining: none
- f. Members absent: none

#### 3. Statutory authority to close session:

This meeting was closed under the following provisions of General Provisions Article § 3-305(b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;

#### 4. Listing of each topic actually discussed, persons present, and each action taken in the session:

Topic description	Persons present for discussion	Action taken/each recorded vote
Draft Wage Compensation and Classification Study	M&C: Z. Tyndall, D. Burrell, S. Green, J. Knerr, S. Nichols, J. Orris, Staff: M. Bohlen, K. Jensen, D. Gaskill Others: R. Campbell (Paypoint HR)	No motion/vote

**This statement was made by: Mayor Zack Tyndall, presiding officer**

**List members who have received open meetings training (at least one member must be in attendance during closed session):** Mayor Zack Tyndall, Councilmember Jack Orris, Town Administrator Mary Bohlen, Human Resources Director Kelsey Jensen, and Town Attorney David Gaskill.

CLOSED SESSION  
MAYOR AND COUNCIL OF BERLIN MARYLAND  
Monday, March 27, 2023

**Present:** Mayor Zackery Tyndall, Council V-P Dean Burrell, Councilmembers Steve Green, Jay Knerr, Shaneka Nichols, and Jack Orris

**Staff Present:** Town Administrator Mary Bohlen, Human Resources Director Kelsey Jensen, and Town Attorney David Gaskill

**Absent:** None

**Others present:** Rick Campbell of Paypoint HR

**Authority to close session:** Pursuant to Maryland General Provisions Article; Sec 3-305(b):

(1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects on or more specific individuals:

- a. Discussion re: Draft Wage Compensation and Classification Study

The start of the meeting and vote to close the session was streamed live via Facebook. Mr. Campbell was not present at the start of the meeting but joined at approximately 5:15 PM.

On Monday, March 27, 2023 at approximately 5:00 PM, Mayor Tyndall read the published statement of closure, which indicated the purpose of the session as noted above. Councilmember Orris so moved, Councilmember Nichols seconded and approval was unanimous.

The Facebook livestream ended, and the Closed Session moved to the Conference Room.

REMAINDER OF MINUTES REDACTED FOR INCLUSION IN OPEN RECORD
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Councilmember Green moved to adjourn; Councilmember Knerr seconded and the meeting adjourned at approximately 7:00 PM.

Respectfully Submitted,



Mary T. Bohlen  
Town Administrator

**BERLIN MAYOR AND COUNCIL****Meeting Minutes****Monday, March 27, 2023****7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers**

**Present:** Mayor Zackery Tyndall, Vice President Deal Burrell, Councilmembers Steve Green, Jay Knerr, Jack Orris, and Shaneka Nichols

**Staff Present:** Town Administrator Mary Bohlen, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Public Works Director Jimmy Charles, Water Resources Director Jamey Latchum, Town Attorney David Gaskill, Human Resources Director Kelsey Jensen, and Administrative Assistant Kate Daub.

**Staff Absent:** Economic and Community Development Director Ivy Wells, Finance Director Natalie Saleh, and Police Chief Arnold Downing.

This meeting was also broadcast live via Facebook. Following a moment of silence and the Pledge of Allegiance, Mayor Tyndall called the meeting to order at approximately 7:06 PM.

1. Consent Agenda - Approval of the Minutes for the Regular Session of March 13, 2023:

Councilmember Orris noted a correction in the Public Comments; he clarified that resident Candy Combs's name is spelled incorrectly. He said Candy ends with an I (Candi Combs).

On the motion of Councilmember Orris, second by Councilmember Knerr, the Regular Session Minutes of 3.13.2023 was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				
Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

2. Proclamation 2023-02 – Fair Housing Month:

Mayor Tyndall proclaimed April of 2023 as Fair Housing Month. After reading the proclamation, Mayor Tyndall acknowledged that Town Administrator Mary Bohlen typically runs point on this topic and asked if there were anything she would like to add; Ms. Bohlen said she believes the proclamation is clear in the way it declares fair housing as a law. She added that fair housing is something the Town strives for as a culture of the community.

3. Presentation - East Bound Disc Golf Six-Month Review:

Mayor Tyndall announced the presentation has been postponed to a subsequent meeting.

4. Item(s) For Approval:

a) Request for Proposal - Smart Meter Installation:

Water Resources Director Jamey Latchum explained that the American Rescue Plan Act (ARPA) funds allocated in the budget were used to purchase new water meters for the Town of Berlin. He confirmed the need for new meters and a system upgrade is due to ongoing reports of lost revenue and the loss of

water being billed. He said that he and engineer Mr. Josh Taylor (also present) with Davis, Bowen, and Friedel Engineering (DBF) developed a Request for Proposal (RFP) to move forward with meter installation. Mr. Latchum said most of the meters have been delivered, adding he hopes the remaining balance will be delivered by the first week of April. Consequently, he said the department intends to install a gateway on each of Town's two water towers, which were included as part of the meter purchasing contract. Ms. Bohlen asked Mr. Latchum to explain what a gateway is; he said the gateway is going to be used to transmit and record all meter readings. He added the readings can be downloaded to laptops and other devices in real-time and store the readings for up to seventy-two days. He stated that Neptune Technology Group offers a component as part of its water meter system that would allow residents to see their usage, adding he hopes to get the component integrated as part of the new system.

Councilmember Knerr asked to confirm the estimated time for project completion; Mr. Latchum answered that bids are due by May 4<sup>th</sup>, 2023 and a thirty-day grace period to review the submissions and approve the contract follows the due date. He clarified the contract awarded will be for one hundred twenty days, adding he expects a completion date to fall in the month of October or November of 2023. Mr. Latchum reminded Council that most of the infrastructure in Town is older which he said may cause delays in the work. Councilmember Knerr asked if each neighborhood will be notified of the work once a timeline is established; Mr. Latchum said a notice will be included in the monthly Town Bulletin and he said a Code Red will be sent out; he encouraged residents to sign up for alerts. He continued by saying he wants to create a handout to distribute to residents and Ms. Bohlen said a notice can be included in the Utility Bills.

Vice President Burrell said he believes the expectation should be that residents are notified well in advance before work begins.

Councilmember Orris asked if the gateway will be connected to Tyler; Mr. Latchum confirmed the plan is to integrate the system, adding Neptune currently works with multiple municipalities in different locations with Tyler.

Councilmember Green asked to confirm that every customer's utility bill currently includes a flat rate for water usage; Ms. Bohlen answered the usage is metered, but there is a minimum usage. Councilmember Green emphasized the purpose of installing new meters is to accurately determine how much water is being used. Mr. Latchum said once the new meters are installed and fully functional, there will be a six-month water usage review in hopes of determining a new water rate structure that is designed to bill by the gallon and not by one thousand gallons; he clarified by saying the Town currently bills by one thousand gallons which he said often results in a resident paying for more water than is actually used. Mr. Latchum said the ability to bill per gallon will allow for billing to be more equitable.

On the motion of Vice President Burrell, second by Councilmember Orris, the Request for Proposal: Smart Meter Installation was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				
Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

## b) Motion 2023-08 - Program Open Space FY24 Annual Program:

Ms. Bohlen explained that the annual plan is commonly referred to as the Town's "Wish List" regarding projects. She stated the County has not requested a copy of the Program Open Space Development plan for several years because the Town has been able to take advantage of the Community Parks and Playgrounds program for its municipal park projects. Ms. Bohlen said the Parks Commission and We Heart Berlin members have gone through the list in hopes of coming up with a comprehensive list of projects that are listed in order of priority. Ms. Bohlen made the Mayor and Council aware there is a difference between the Open Space Development Plan list and the Land, Preservation, Parks, and Recreation Program (LPPRP) list; she said the LPPRP is more of an inventory list and the Open Space Program list serves as a wish list of projects the Town would like to take on. Ms. Bohlen clarified the action needed on behalf of the Council involves making changes to the list such as reordering or removing projects, changing the dollar amounts associated with the cost of each project, or approving it as is.

Councilmember Orris asked if Program Open Space is part of Community Parks and Playground; Ms. Bohlen said no, adding the Department of Natural Resources Program Open Space has two funding avenues. She explained that Program Open Space is allocated to counties and Community Parks and Playground is specifically for municipalities. Councilmember Orris asked to confirm where the funding is coming from for the Stephen Decatur Park Restrooms and the Inclusive Playground projects; Ms. Bohlen answered that the Town has been approved for Community Parks and Playground funding for the restrooms, although there was a shortfall because of the timing from application to award and because of overall increases in construction and material costs experienced following the Covid pandemic. The Town is actively applying for Land, Water Conservation fund monies to complete the project. She confirmed the Inclusive Playground project has an outstanding grant application under Community Parks and Playgrounds, adding that the projects are listed at the top of the list given that those projects had been indicated as priorities in prior years, but are still pending. Councilmember Orris suggested the projects be switched with items three and four on the list since partial funding has already been received; Ms. Bohlen recommended that Council not take that action, adding that it would deprioritize the projects the Town is actively seeking funding for. Ms. Bohlen continued by saying she can clarify the prioritization of projects in her cover letter and in the narrative for the Program Open Space Development Plan.

Councilmember Green asked where the one million dollar cost estimate for the Inclusive Playground Project originated from; Ms. Bohlen said she believes the scope of the project played a role in the estimate as the space is intended to meet the needs of children of all ages and abilities. Councilmember Nichols said she supports the Inclusive Playground Project but questions its cost and proposed the idea that other models be considered.

A lengthy debate followed involving the reordering of the list. Mayor Tyndall acknowledged the challenge of reordering is consistency; he said it is easier to have one plan and one message so that it does not have to be changed repeatedly. Councilmember Green suggested listing the Stephen Decatur Park Restroom Project and Inclusive Playground Project as Ongoing, and to begin the ordering of the list with the first phase of the Skatepark Project as Item One; the Mayor and Council unanimously agreed to this change. Further discussion resulted in additional changes to the list; Ms. Bohlen asked to seek clarification by confirming the first two items on the original list will be noted as Pending, and the remaining projects would be listed as follows: 1) & 2) the Skate Project phases I and II; 3) Automated External Defibrillators (AEDs); 4) conversion of tennis courts for Pickleball; 5) Waterside Life-Saving Devices; 6) Heron Park Walking Path; 7) Heron Park Entertainment Venue; 8) Dog Park; and, 9) Observation Platform at Heron Park.. After an agreement was reached by all members of the Council, a motion with corrections was made.

On the motion of Councilmember Orris, second by Councilmember Nichols, Motion 2023-08 Program Open Space FY24 Annual Program with corrections was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				
Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

c) Motion 2023-09 - Award for Growth Element:

Planning Director David Engelhart explained that as part of the Town of Berlin's Comprehensive Plan, ARPA funds were set aside in the budget for Fiscal Year 23 in the amount of \$30,000. He continued by saying the Planning Commission unanimously passed a motion to recommend hiring Mr. Dhiru Thadani, a consultant from Thadani Architects and Urbanists, to assist the Town with its growth element. Mr. Engelhart said a quote for Mr. Thandani's services was received which is why the motion to move forward is put before the Mayor and Council; he said the amount is not to exceed \$8,000 which would cover Mr. Thadani's initial research and reconnaissance. He said Mr. Thandani would visit the Town for two days and return within two weeks to give his presentation of the findings. Mr. Engelhart said that should the Mayor and Council approve the motion, Mr. Thandani can be in Berlin on April 6<sup>th</sup> or April 7<sup>th</sup>, 2023.

Mayor Tyndall said the timeline proposed is his only concern, adding that he believes May could be a better time. Councilmember Green agreed but said the month of May brings graduations which may take people away for weeks at a time and limit availability for others to participate; he asked what the expectations would be regarding the Mayor and Council's involvement in the process. Ms. Bohlen said the goal is for the process to be very transparent and said the public will be very much involved.

Councilmember Orris said the proposed date of April 17<sup>th</sup> is three weeks away and feels it is very doable to coordinate a date within that timeframe. Mr. Engelhart clarified the proposed dates were based on Mr. Thadani's availability. Councilmember Orris emphasized that the Town sought out Mr. Thadani's services and he feels it would be appropriate to stay within the timeframe proposed.

Councilmember Knerr asked if Mr. Cascio could provide background information on what communities Mr. Thandani has worked in previously; Mr. Cascio said Mr. Thandani was one of the originators and architects of the Seaside community in Florida, adding that Mr. Thadani's website lists his resume and prior work. He continued by saying the goal is to make the best of Mr. Thadani's time during his visit in hopes that he can understand the physical realm of the Town and understand the area as best he can. Mr. Cascio said that a small town needs to be small to function as a small town, but also needs to grow in a certain way which is why Mr. Thandani's guidance is so important.

On the motion of Councilmember Knerr, second by Councilmember Nichols, Motion 2023-09: Award for Growth Element was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				

Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

d) Motion 2023-10 - PJM Annual Officer Certification Form:

Ms. Bohlen explained the agenda item is an annual housekeeping item. Booth and Associates, the Town's Electric Utility Consultant, has reviewed and assisted with the completion of the agreement to provide Ms. Bohlen with the authority to act as the officer for the Town concerning PJM matters.

On the motion of Vice President Burrell, second by Councilmember Orris, Motion 2023-10: PJM Officer Certification Form was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				
Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

5. Discussion Item(s):

a) FY2024 Real Estate Tax

Mayor Tyndall directed the Council's attention to the draft copy of the upcoming fiscal year's budget included in the meeting packet; he noted that they are currently looking at a shortfall of roughly \$200,000 and he asked that Council take that into consideration when addressing the proposed real estate tax rate. Mayor Tyndall said one strategy is to introduce the proposed rate as is and move forward with the advertisement by keeping it constant at eighty-one and a half cents or to make a change.

Ms. Bohlen clarified that the information presented will not set the tax rate; she explained the Town is required to run the exact advertisement prior to the Public Hearing for the Tax Rate and prior to the Introduction of the Tax Rate. She continued by saying the purpose of the discussion is not to set a rate, but to decide on a number that would be included in the advertisement to give a picture of what the tax rate may look like and the impact it will have on the budget, specifically how it compares to the constant yield.

Councilmember Green suggested leaving the tax rate as proposed, adding that he feels the Town is looking at some sort of adjustment due to inflationary and other pressures. He said he believes the advertisement is a matter of protocol and it is important to show that the constant yield tax rate does bring in new revenue, however, he added that he feels it is too early in the process to put a number on things.

Vice President Burrell asked Mr. Engelhart how new construction in the Town has been and what can be expected on that additional tax. Mayor Tyndall said the Tax Rate Certificate breaks down construction that is pending and shows the dollar amount; Ms. Bohlen added item one in the tax notice indicates the estimated real property value. She said the numbers listed come from the State of Maryland and said she assumes the estimate includes projections. Mr. Engelhart added that he calculated the numbers for the Fiscal Year 23 budget and the Town had a good year regarding the addition of single-family homes. He said the Willows Project added units to its complex, but he said there were no large subdivision

properties added. Mr. Engelhart continued by saying his estimates were conservative due to the state of the economy and inflation, adding he believes this will continue to affect the Town for several more years.

Councilmember Knerr said assessments are up and residents are going to feel the pain of paying more at tax time; he said he does not want to consider raising the tax rate and suggested the rate remain as is. Councilmember Nichols said she is comfortable with running the advertisement as proposed.

Mayor Tyndall said they will continue to monitor the tax rate going forward; he announced the Tax Rate will be introduced at the next Mayor and Council Regular Session meeting on Monday, April 10<sup>th</sup>, 2023, and the Tax Rate Public Hearing will be held on Monday, April 24<sup>th</sup>, 2023, at 7 PM.

b) Town of Berlin Letter to Worcester County Regarding LPPRP

Mayor Tyndall summarized his letter and explained that it is intended to serve as a written testimony on behalf of the Town of Berlin at the Land, Preservation, Parks, and Recreation (LPPRP) Public Hearing on April 6, 2023. Councilmember Orris asked if a member of staff will be attending the hearing; Mayor Tyndall said he was not planning to attend but confirmed he will be mailing the letter prior to the April 4<sup>th</sup>, 2023, deadline for submissions. Councilmember Orris asked if the list should be revised to notate the changes made to the Open Space Annual Program plan; Ms. Bohlen said she does not think it is necessary as the projects are not in order of priority.

6. Town Administrator's Report and Departmental Reports

Ms. Bohlen said she will be out of the office on Friday, March 31<sup>st</sup>, 2023. She added that Economic and Community Development Director Ivy Wells was not able to attend the meeting and asked that she publicly thank the Public Works Department on her behalf for their work in assembling and installing the new benches along William Street.

Councilmember Orris acknowledged that the security camera item has been listed on the past two weekly reports and asked how many cameras were installed; Electric Utility Director Tim Lawrence said he believes a total of seven cameras were installed. Councilmember Orris asked what the \$3,090 item listed on the Check Register was for; Mr. Latchum answered it was for sodium hydrochloride which he said is a form of bleach that is used at the treatment plant. Councilmember Orris asked for clarification regarding the Check Register listing for DBF; Ms. Bohlen said many of the projects are directly reimbursed by the developer, adding there may be final punch list items that make it to the report, but she clarified they will be reimbursed as part of the project. Councilmember Orris asked for clarification regarding the charge for \$180 noted in the Check Register as the White House; Mayor Tyndall said he typically submits reimbursements for travel and one charge was for a Maryland Municipal League meeting at the White House.

Mr. Latchum said it was brought to his attention that William Street will need to be shut down to install a new water service for Burbage Funeral Home. He said he is unsure of the date, adding he will share the information as he learns more. He said William Street will be closed from Pitts Street to Bay Street.

Vice President Burrell commented that he drove by the Henry Park Basketball Courts and the lights were on, but he did not see anyone playing; Mr. Lawrence said the lights will remain on for an hour after the control button is pushed. Vice President Burrell said he is very pleased with the way the lights focus on the court and do not bleed into the community.

Town Attorney David Gaskill reported that a complaint was filed following the Mayor and Council Executive Session on January 23<sup>rd</sup>, 2023, which was held to discuss proposed revisions to the Fiscal Year 24 contract pertaining to the Berlin Fire Company and Berlin Fire Company Emergency Medical Services; he confirmed

the revisions have already been forwarded to the Berlin Fire Company for review. Mr. Gaskill stated the complaint indicated that the meeting should not have been held as an Executive Session, adding an opinion was rendered by the Open Meetings Compliance Board captioned 17, Official Opinion Chapter 28 of 2023 stating the Town of Berlin was in fact in violation. Mr. Gaskill said he disagreed with the reasoning provided which stated that an exception is only available if there is a competitive bidding process. Mr. Gaskill acknowledged there is no competitive bidding process with the Fire Company and said he feels the Open Meeting Compliance stretched the violation too far. He said the statute indicates the Town is supposed to announce the decision at a meeting and a copy of the opinion is to be signed by all members of the Council and forwarded to the Compliance Board. Mr. Gaskill advised that Council do what has been asked, but he clarified that it is not mandatory. Mayor Tyndall added that he shares Mr. Gaskill's opinion and said he believes what was discussed was within the Town's understanding of the parameters. Councilmember Nichols asked if the Board provided any suggestions regarding how to handle such a meeting going forward; Mr. Gaskill said no suggestion was provided.

Councilmember Orris stated the complainant stated his objection to the closed session in the form of an email that was sent to himself, Councilmember Knerr, and Mayor Tyndall prior to the meeting. Mayor Tyndall said he is confused as to why the complaint was not mentioned at the start of the meeting when he asked the public if anyone disagrees with going into closed session; he acknowledged that it is a matter of housekeeping for the Mayor and Council going forward and he encouraged the public to state their objections if any are had. Councilmember Orris asked if an emailed objection would be valid; Mr. Gaskill said it is of his opinion that an emailed objection would be valid.

7. Comments from the Public – none.

8. Comments from the Council

Councilmember Orris thanked the public for the emails he received regarding the General Fund and budget. He said he will not be attending the General Fund Work Session, but he intends to email over some of his thoughts and budgetary concerns to the group prior to the meeting.

Councilmember Green referred to the advertisement that was posted linking a synthetic ice rink to Berlin; he asked if the Town intends to pursue it. Ms. Bohlen said the Town has opted not to bid on the project.

Vice President Burrell thanked the Council and Town of Berlin staff for the card he received following the loss of his family member.

Councilmember Green said he is proud of how Council was able to work through their differences to agree on the Open Space Program list. He shared a personal story involving a carbon monoxide scare he and his family had while vacationing in Vermont; he encouraged others to take necessary precautions to ensure they are protected.

9. Comments from the Mayor

Mayor Tyndall said he received a request from the Public Service Commission's Government Affairs Representative asking if the Town of Berlin would support their request concerning their need for additional personnel to address mandates and improve responsiveness. He said a letter of support was requested and said he intends to mail the letter as written unless the group had any objections. After a brief discussion, revisions to the letter were made and agreed upon by the Mayor and Council.

10. Comments from the Press – none.

## 11. Adjournment:

On the motion of Vice President Burrell, second by Councilmember Nichols, the Mayor, and Council meeting was adjourned at approximately 8:45 PM.

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP	X				
Steve Green	X				
Jack Orris	X				
Shaneka Nichols	X				
Jay Knerr	X				
<i>Voting Tally</i>	5				

Respectfully Submitted,

*Kate Daub*

Kate Daub  
Administrative Assistant



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**General Fund Work Session**  
**Monday, April 3, 2023**

**5:00 PM      WORK SESSION – Berlin Town Hall Council Chambers**

**Present:** Mayor Zack Tyndall, Vice-President Dean Burrell, Councilmembers Steve Green, Jay Knerr, and Shaneka Nichols.

**Absent:** Councilmember Jack Orris

**Staff Present:** Town Administrator Mary Bohlen, Police Chief Arnold Downing, Police Lieutenant Robert Fisher, Economic and Community Development Director Ivy Wells, Planning Director David Engelhart, Public Works Director Jimmy Charles, Administrative Assistant Kate Daub, and Finance Director Natalie Saleh (arrived late).

This meeting was also broadcast live via Facebook. Mayor Tyndall called the meeting to order at approximately 5:04 PM.

1. Opening Statement

Mayor Tyndall provided an opening statement about the FY 2024 budget process; he reported that the Mayor and Council unanimously approved to move forward with a Wage and Compensation Payroll study from Paypoint HR. He explained they are in discussions with Paypoint to better understand the deliverables in the best possible way before the budget is introduced, adding that the Council intends to act on some if not all the findings in the next fiscal year.

As Finance Director Natalie Saleh was not yet present at the meeting, Mayor Tyndall deviated from the meeting agenda by asking Town Administrator to give her Operational Overview report.

2. Ms. Bohlen provided an opening statement regarding the budget and highlighted projects the Town is hoping to embark on as the new fiscal year begins. She thanked the Mayor, Council, and Department Heads for all their hard work over the past year, as well as their assistance during her time of transition into the role of Town Administrator. She continued by saying all Town departments have worked very hard to prepare and present their budgets which are truly indicative of their needs, and the budgetary requirements to meet those needs so they can continue to provide an exemplary level of service to the Town. Ms. Bohlen stressed that the departments are seeing the impact of inflation and other rising costs that affect the ability to complete their projects and fulfill services, adding that Town employees are also facing many of the same issues. She respectfully requested that the Mayor and Council give the Wage, Compensation, and Salary study due consideration.

3. Mayor Tyndall presented the proposed budget for Elected Officials which included the salary for a full-time Mayor's Assistant position. He noted that the budget for travel increased to reflect what was spent on travel in Fiscal Year 23, in addition to the Dues and Publications line item. He clarified that the Maryland Mayor's Association (MMA) dues have increased and the fee for the Maryland Quarterly which is a summary of all the legislation that changes in the State every two weeks increased as well. Mayor Tyndall stated office supplies have increased to reflect the need for a laptop computer to support the Mayor's Assistant position, but he said he intends to repurpose the current desktop computer within one of the other departments. He confirmed there is an overall budget increase of \$50,247 or 24.31% within the department.

Councilmember Knerr asked what is included as part of the Special Appropriation line item in the budget; Mayor Tyndall said the funds have been used for various things in the past such as sending flowers to a staff member that may have lost a loved one or an award the Town may decide to give.

Ms. Saleh joined the meeting at approximately 5:14 PM.

4. Ms. Saleh provided an overview of the General Fund Revenues. She stated that a proposal was made during the last General Fund Budget meeting to increase the business license fee by doubling it. Councilmember Knerr asked if new fees would go into effect immediately were the Council to review the current fee structure and opt to make an increase. Ms. Saleh answered that a change to business license fees would not go into effect until the following fiscal year given that renewal of licenses begins July 1<sup>st</sup>; she added that changes to permit fees can be implemented immediately. Vice President Burrell asked if it would be possible to associate a different fee for a business that is located downtown; Ms. Saleh confirmed, adding that the Mayor and Council have the power to establish special fees for a specific area or for specific businesses.

Councilmember Green asked what the Town charges for commercial trash collections; Ms. Saleh said billing is by quarter but depends on the receptacle size. Public Works Director Jimmy Charles answered the Town charges \$96 for one can, \$180 for two cans, and said he believes it is \$170 for a dumpster. Ms. Bohlen emphasized that the charges are per quarter and confirmed the Town is not covering its service expenses. Councilmember Green said he feels there is room to make an adjustment to the fees associated.

Ms. Saleh said a change to the business license fee would be a priority as a change would need to be incorporated into the new billing cycle. She said trash collection would also be a priority because the revenue is not sufficient to support the service. Vice President Burrell said he feels it should be a necessity to increase fees; Mayor Tyndall said the items will be added to an upcoming Mayor and Council Regular Session meeting to discuss further action.

5. Ms. Saleh provided an overview of the General Fund Deficit and indicated that it is in the amount of \$342,000.
6. General Fund Departmental Budget Requests:
  - a) Elected Officials:  
Mayor Tyndall previously reported on the budget for Elected Officials.
  - b) Administration:  
Ms. Bohlen presented the proposed budget for Administration. She noted there is a slight increase in Contracted Services to reflect inflationary costs that can be expected for the coming year. She added that employee training has increased to permit staff to take part in continuing education and professional development opportunities. Ms. Bohlen said the Capital Outlay for equipment includes several items carried over from the previous year as well as the IT server replacement in the amount of \$21,000. She continued her report by saying the Contingency item in the amount of \$200,000 is intended to address the wage study findings and she clarified the final item listed as Customer Service Reimbursement General Fund is an overhead type transfer similar to the utility funds.

Councilmember Green acknowledged that the Administration department is playing a position down; Ms. Bohlen said in many ways the department is down two positions given that the Mayor's Assistant position is not yet filled. Mayor Tyndall said he would like to see Ms. Bohlen's plate lightened to be able to focus on giving more attention to the departments and bigger-level projects.

## c) Finance and Customer Service:

Ms. Saleh presented the proposed budget for Finance and Customer Service. She explained there was an adjustment made to personnel costs due to the need to fill the Senior Accountant Position; she said there was a slight increase in the salary listed because she does not think the position can be filled at the current level of pay. Additionally, she said she requested a Staff Accountant in the previous draft budget to assist with lower reconciliation-level journal entries and small daily reconciliations. She clarified the position had been removed from the budget and is not included in the report being presented.

Councilmember Green asked to confirm he understood correctly that the Staff Accountant position is not included in the most recent version of the draft; Ms. Saleh confirmed. Mayor Tyndall said the group worked together to try and address the deficit and a decision was made to roll back several new positions that were being proposed.

Ms. Saleh continued with her report by saying the Eastern Shore Region GIS System line item in the amount of \$20,000 is a project the Mayor requested to be included as part of Customer Service as the department gets reimbursed by the General Fund and all Utility Funds. Mayor Tyndall clarified the project would involve mapping the Town infrastructure which would benefit more than one department.

Discussion followed regarding the Information Technology (IT) line item; Ms. Saleh noted the amount listed is \$500 less than the previous year and brought attention to the breakdown of items included as part of the expense. Mayor Tyndall acknowledged that members of Cards Technology, the Town's IT company, were present at the meeting and available for questions from the Council. Vice President Burrell asked why a new server was needed at this time; Mr. Sam Card, the founder of Cards Technology, explained that Microsoft releases a new version of the Windows Server operating system every three years due primarily to cybersecurity needs and the age of hardware. He emphasized that if the server were to go down, the time and cost to repair it would be significant which is why he is recommending the server be replaced.

Ms. Saleh noticed an error in the report and said the Tyler Software Support line item in the amount of \$15,000 was missing; she said the amount must be added and confirmed it will result in a slight increase in the General Fund budget. As a result, Mayor Tyndall clarified this change will also reflect an increase in the overall deficit.

## d) Building and Grounds:

Mr. Charles presented the proposed budget for Buildings and Grounds. He said Contracted Services decreased slightly; however, he said maintenance costs have increased because of rising costs for materials and supplies. Councilmember Knerr asked if the deficit would be resolved if the \$500,000 amount listed for the Renovation Project was removed; Ms. Saleh said the deficit would remain the same because the contribution is coming from reserves and would not be pulled from current year revenues.

## e) Police:

Chief Downing presented the proposed budget for the Police Department. He said the budgeted amount for Contracted Services has decreased but said the cost of building and vehicle maintenance has increased. Mayor Tyndall noted one line item on the current budget is for a new vehicle listed as a \$52,000 expenditure; he explained that the addition of a utility vehicle had been discussed during emergency preparedness meetings and would be of assistance during events downtown. He acknowledged that the Town may have to pursue grant funding for it given its financial position,

adding that it would be something the Town may be seeking some assistance with coming into the next fiscal year if grant funding was not available.

Councilmember Nichols asked for more information about the utility vehicle. Mayor Tyndall said the vehicle would provide flexibility and have capabilities to put a patient in the back if an emergency medical service run was needed. Chief Downing reminded the Council that the vehicle was an approved item in the budget four years ago and had to be taken out. He emphasized that downtown streets are difficult to navigate during events because of closures and the large crowds that attend. He stressed that the vehicle gives them an opportunity to reach more people in an emergency. Councilmember Nichols asked if the vehicle would be addressed with the Berlin Fire Company given that they also have the same type of vehicle included as part of their budget proposal; Mayor Tyndall said they were looking at a vehicle that could have some carryover and ability to assist the Berlin Fire Company and EMS; he added they would likely not be able to address the purchase for both the Town and the Fire Company in the same fiscal year.

f) Public Works:

Mr. Charles presented the proposed budget for Public Works. He made the Council aware that completion of the Commercial Driver's License (CDL) class is now mandatory for those pursuing a license; he said the cost of the course is \$5,000 which has caused an increase in the Employee Training line item of the budget. Mr. Charles said he hopes to add automated external defibrillators (AEDs) to department vehicles given that their trucks typically remain on-site during events.

Mr. Charles reported that drug screenings are now required as part of the Department of Transportation (DOT) physicals. He noted there was an increase regarding the Worcester County Landfill line item; Mayor Tyndall encouraged the public to recycle, adding it is a good way to save money because the Town receives credit for recyclables. Mayor Tyndall continued by saying it would be constructive for Council to revisit the current fee structure for waste removal; he said the one-time cost for an additional trash bin is designed to recoup the cost of the bin and does not reflect the additional tipping fees the Town is charged.

Mayor Tyndall highlighted the Street Lights line item for \$72,000; he said the cost is to keep the lights on and emphasized the Town of Berlin also pays an electric bill.

g) Economic and Community Development:

Ms. Wells presented the proposed budget for Economic and Community Development. She said her budget has remained consistent with last year as she has tried to remain frugal with the money being spent. She noted that additional funding was included as part of the Fourth of July Fireworks celebration because the Town is required to pay for fireworks in full for one year. She clarified that sponsorship money is being sought to help offset the cost, but she said money has been allocated in the budget in case sponsorship money does not come through. She continued her report by saying the Mayor has requested the Christmas Tree be paraded by horse and carriage when it arrives to Town; she confirmed that a \$500 line item has been added to support this. Ms. Wells made the Council aware that she took \$2,000 out of Advertising and moved it to Marketing to help with the purchase of giveaway items being requested to distribute at events.

h) Planning:

Mr. Englehart presented the proposed budget for the Planning and Zoning Department. He acknowledged he was one of the Department Directors that requested an additional full-time employee but said he realizes that the financial situation does not allow for it. Mr. Englehart said the Maryland Department of Agriculture (MDA) will be raising building permit inspection fees which is why

there is an increase associated with the Contracted Services line item. He continued by saying he expects the fees to go up fifteen percent and suggested that the Council consider reviewing the impact fees to ensure the Town of Berlin's fees are in line with the region. He added that he believes the Review Fees will also be going up; he said the MDA must stamp off on building plans he receives to ensure they are according to code. Mayor Tyndall asked Mr. Englehart to summarize the increases so that they can be addressed during the council meeting on May 6<sup>th</sup>, to keep pace with the budget process.

Councilmember Green asked what the proposed full-time position was for; Mr. Engelhart said his intention was to hire an Administrative Assistant that would be considered hybrid and take on other responsibilities such as Code Enforcement.

I) Parks and Recreation:

Public Works Supervisor Cody Chesser presented the proposed budget for Parks and Recreation. Mr. Chesser said the increase in Capital Outlay reflects the need to replace the playground equipment at Stephen Decatur Park. He clarified the equipment is outdated, which poses a safety risk and he wants to make sure all equipment is up to code. Mayor Tyndall thanked Mr. Chesser and the entire Public Works Department for their hard work maintaining the parks.

7. Berlin Fire Company and Emergency Medical Services

Berlin Fire Company's President David Fitzgerald and Chief R.J. Rhode presented the Fire Service's budget, Mr. Fitzgerald reviewed the year-to-date expenses and provided projections for the remainder of the year and anticipated needs for the coming year. Mr. Fitzgerald strongly encouraged the Mayor and Council to reassess Public Safety Impact fees; he said public safety is impacted when an addition or development is added in the Town. Thus, he said a fee for the one-time capital should be implemented. He continued by saying approximately forty percent of their calls are in the Town and their expenses are primarily driven by fixed-cost contracted services or mandated services.

Mayor Tyndall asked for clarification regarding the \$3,100 revenue amount for eight months of Fiscal Year 2023 that led to a projected total of \$5,000; Mr. Fitzgerald said the organization has started to send out bills for fire response services. He explained that they received \$3,100 in eight months based on payments received and anticipates they will receive roughly \$1,900 more by the end of the Fiscal Year. Based on this, he said he projected an overall revenue of \$5,000 to be received over the course of the next fiscal year. Mayor Tyndall said it was his understanding the Fire Company had adjusted its policy and was no longer sending letters; Mr. Fitzgerald answered that a letter was sent to the Town with a contract amendment, but he said they did not receive a response. Mayor Tyndall stated he wanted to provide clarification that the Fire Company is billed at a minimum rate for water and sewer utilities as part of the long-standing side agreement with the Town.

Councilmember Green asked to be clear that the current budget includes \$116,960 for the Fire Company and \$200,000 is being proposed for the next fiscal year; Mr. Fitzgerald confirmed and said if that cannot be done, he will send a list of what service cuts would affect them as he did in previous years.

Mr. Fitzgerald continued with the Emergency Service's budget, reviewing the year-to-date expenses and projected needs for the coming year. He explained that the increased amount of \$94,569 is to primarily support personnel services. He said the organization had to drastically increase its part-time fill-in rates as they no longer have any staffed part-time members. Mr. Fitzgerald said they changed billing companies and will now be using a more aggressive company going forward; he said it is his hope that the rate structure will be much higher in the next fiscal year.

Vice President Burrell asked if there were plans for enhancement for full-time staff; Mr. Fitzgerald said they have changed the way they calculate overtime, adding overtime is applied after a forty-hour week. He said this differs from their previous formula which required that staff work fifty-two hours before overtime was applied. Mr. Fitzgerald continued by saying the goal is to create an incentive for staff to want to work overtime to fill shifts.

Mr. Fitzgerald asked if the Town had an alternative plan if the County Commissioners elect not to carry the funds over as proposed; Mayor Tyndall said the goal is to do everything they can to keep funding for their staff.

Councilmember Knerr asked if there was a status update on the contracts; Mr. Fitzgerald said he reminded their Attorney Joe Moore last week that they need to discuss it. Ms. Saleh asked if the Fire Company had applied for the Federal Employee Credit Retention loan; Mr. Fitzgerald answered no, they had not.

8. Ms. Saleh discussed the Debt Service.

9. Ms. Saleh reviewed the current deficit of \$357,000. She said it had been discussed to remove the \$25,000 legal expense fee; Mayor Tyndall agreed that it would be appropriate to strike the item from the budget for the next fiscal year.

Councilmember Green said he fears the Town cannot do anything to address the deficit because the numbers are so tight; he said they are facing the balance of needs, wants, and responsibilities to the taxpayers with those of the Town and it is an uncomfortable position to be in. He said he is not scared of an adjustment to the tax rate if it is incremental and reasonable, adding the goal is to avoid being in the same situation in a year or two.

Ms. Saleh said she does not believe there is a single wish list item included in the budget that could be eliminated.

Vice President Burrell said it is a heavy weight to carry to juggle the quality of services with the livelihood and continued way of life of residents in the Town of Berlin. Councilmember Knerr said his primary concern is residents will already be paying more because of increased assessments, adding raising taxes would be a double hit. Councilmember Nichols said she believes some things need to be restructured; she admitted doing so may not result in a large impact, but she said they must start somewhere. Councilmember Green said he believes affordability should be at the front and center and said he thinks they will need to find new ways to generate revenue.

Mayor Tyndall thanked the Department Heads and Staff that helped aid in the preparation of the budget. He acknowledged that the cost of doing business is going up and the needs of staff are changing, adding that he does not take any requests lightly. Mayor Tyndall admitted the goal is to keep Berlin as affordable as possible, but he said he fears the upcoming year may be very challenging.

The work session was adjourned at approximately 8:44 PM.

Respectfully Submitted,

*Kate Daub*

Kate Daub  
Administrative Assistant



# TOWN OF BERLIN

## PROCLAMATION 2023-03

### *Take Pride in Berlin Week*

*WHEREAS the Town of Berlin, Maryland embodies the way of life of small town America, while providing a modern lifestyle; and*

*WHEREAS the citizens of Berlin are proud of their community, their neighborhoods, and their neighbors; and*

*WHEREAS the organizations that call Berlin home are dedicated to maintaining and enhancing the many positive aspects of our community; and*

*WHEREAS the volunteer spirit of our citizens enables lasting and effective partnerships of people, organizations, commercial ventures and municipal government to make our town a special place to live, work and visit; and*

*WHEREAS our Town boasts many characteristics that make evident the efforts of past and current generations to uphold the values of our citizens through stewardship of the natural, cultural, and civic environment,*

*NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the week of April 17 through 23rd, 2023 as the 9th Annual Take Pride in Berlin Week.*

**WITNESS MY HAND AND SEAL**

*Mayor Zack*

Zackery Tyndall, Mayor

**ADVERTISEMENT OF INVITATION TO BID  
STORMWATER MANAGEMENT UPGRADES  
PHASE 2: PINE ST., FRANKLIN AVE., AND NELSON ST.  
TOWN OF BERLIN, MARYLAND**

Sealed proposals will be received by the Mayor and Council of Berlin, Worcester County, Maryland, at Town Hall, 10 William Street, Berlin, Maryland 21811 until 2:00 p.m., on Thursday, June 1, 2023, for the **STORMWATER MANAGEMENT UPGRADES – PHASE 2: PINE ST., FRANKLIN AVE., AND NELSON ST.** located within Pine Street, Franklin Avenue, and Nelson Street, at which time the proposals will be opened publicly and read aloud.

Potential bidders are encouraged to attend the Pre-Bid Meeting which will be held on Friday, May 5, 2023, at 11:00 a.m. at Berlin Town Hall, 10 William Street, Berlin, Maryland.

Bid documents are available from DiCarlo Precision Instruments, Inc., 2006 Northwood Drive, Salisbury, Maryland 21801 (410-749-0122). All inquiries shall be directed to Darl Kolar, P.E., Project Manager, EA Engineering, Science, and Technology, Inc., PBC at 410-641-5341.



# TOWN OF BERLIN UPCOMING STORMWATER MANAGEMENT PROJECTS

## COMMUNITY MEETING

### PRESENTATION BY: DARL KOLAR

EA Engineering, Science and  
Technology, Inc. PBC



What: Learn about the scope, status, funding, and implications of three upcoming stormwater management projects:

- Pine Street through Nelson Avenue Storm Drainage Construction Project.
- Westminster Drive, Abbey Lane, Upshur Drive Stormwater Design Project
- Hudson Branch Stream Restoration Design Project.

Where: Town of Berlin – Council Chambers, 2<sup>nd</sup> Floor – 10 William St. Berlin, MD 21811

When: Tuesday, April 18, 2023 at 6pm



**ORDINANCE 2023-02**

**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 2024**

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 2023-2024 shall be \$\_\_\_\_\_ 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.

\_\_\_\_\_  
Dean Burrell Sr., Vice President of the Council

This Ordinance was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by the Mayor of the Town of Berlin and is effective at the start of the 2024 Fiscal Year on July 1, 2023.

\_\_\_\_\_  
Zackery Tyndall, Mayor  
President of the Council

ATTEST:

\_\_\_\_\_  
Mary Bohlen, Town Administrator

FY 2024 RE Tax Revenues Projections

Net RE Base is Per Department of Assessment- Estimated values

		Additional Revenues	Revenue % Increase
FY 2023 Net assessable real property base	481,534,886		
Tax Rate per \$100	0.8150		
FY 2023 Current Revenue Projected	\$ 3,924,509		

PROJECTED FY 2024			
Net assessable real property base	515,257,481		
Tax Rate per \$100	0.8150		
Revenue Projected for FY 2024	4,199,348	274,839	7.00%
		\$ 274,839	

Net assessable real property base	515,257,481		
Tax Rate per \$100	0.8200		
Revenue Projected for FY 2024	4,225,111	25,763	7.16%
		\$ 300,602	

Net assessable real property base	515,257,481		
Tax Rate per \$100	0.8250		
Revenue Projected for FY 2024	4,250,874	51,526	7.72%
		\$ 326,365	

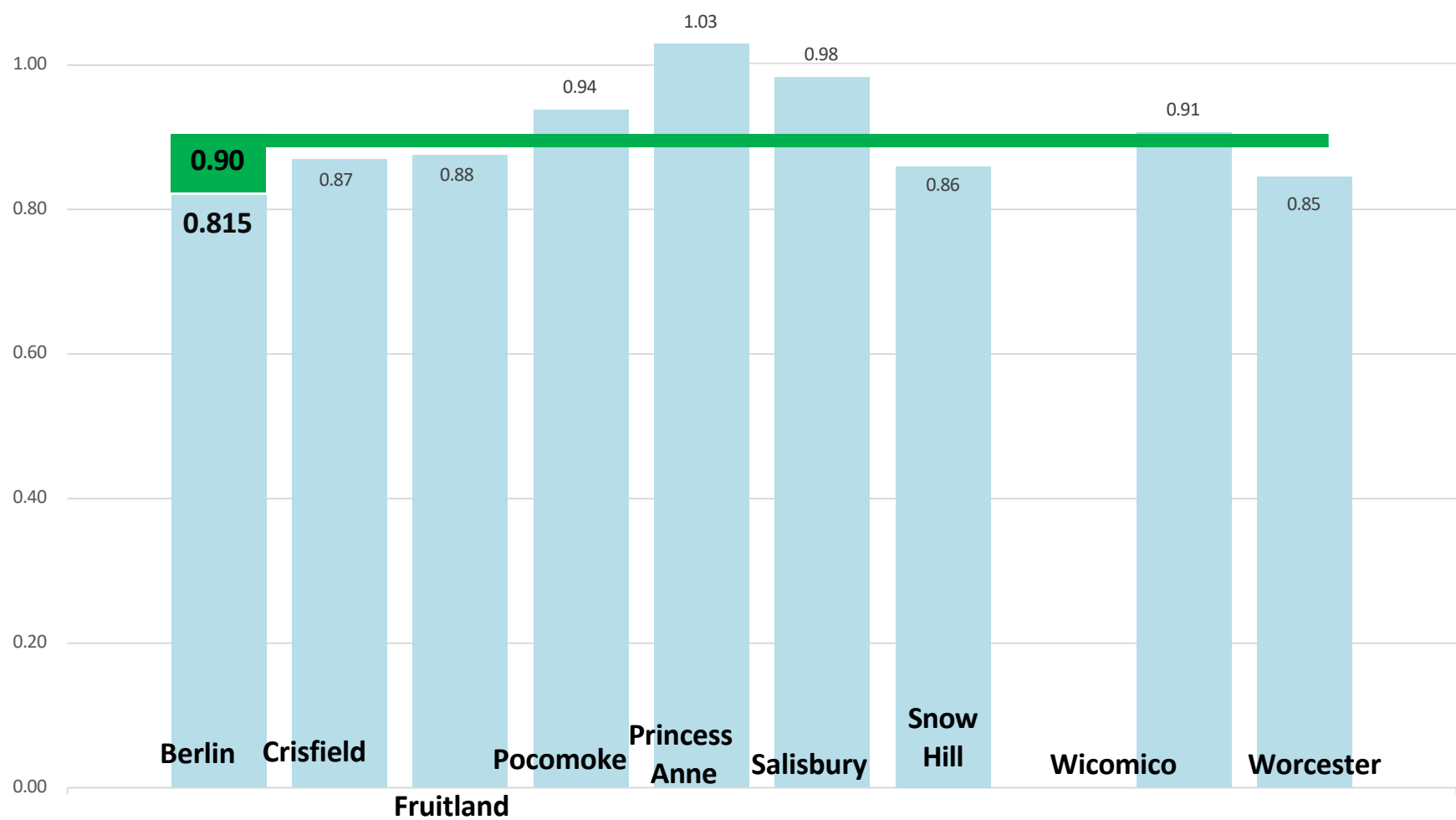
Net assessable real property base	515,257,481		
Tax Rate per \$100	0.8300		
Revenue Projected for FY 2024	4,276,637	77,289	8.28%
		\$ 352,128	

Net assessable real property base	515,257,481		
Tax Rate per \$100	0.8350		
Revenue Projected for FY 2024	4,302,400	103,051	8.84%
		\$ 377,891	

RE Property Assessed at	\$400,000	Tax Bill @.815C	\$3,260.00
		Tax Bill @.82C	\$3,280.00
		Tax Bill @.825C	\$3,300.00
		Tax Bill @.83C	\$3,320.00
		Tax Bill @.84C	\$3,360.00

Residential	1603	82.76	426,410,812
Commercial	334	17.24	88,846,669
	1937	%	515,257,481
*** same RE tax rate applies to both***			

# MUNICIPAL & COUNTY PROPERTY TAX RATES FY 2023



The blue columns are the current tax rates. The green column and line is a property tax rate that illustrates a comparison with other municipalities at 0.90 cents. RE tax rate average of the compared municipalities is 0.91 cents.

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. FORM MUST BE SUBMITTED SIXTY (60) DAYS AHEAD OF EVENT DATE.

31

I, the undersigned acknowledge and agree to the following:

1. This form is being submitted at least sixty(60) days prior to the requested Event/Activity date indicated on page one and I understand that requests submitted less than sixty(60) days prior to that date will not be accepted.
2. 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).
3. 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.
4. 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.
5. 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: \_\_\_\_\_

*Kelly Jenkins*

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

*3/1/23*

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: Berlin 50plus Agent/Responsible Party: Kelly Jenkins site Manager  
(Individual Person must be identified)

Address 10129 Old Ocean City Blvd Phone #: (W)(401) 641-0515 (C)(443) 497-7364  
Berlin Md 21811 Email: kelly@worcoa.org

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

Purpose of Facility Use: 50plus Community Outdoor Movie

Requested Days/Times of Use: Friday, June 9th 5-10pm (5-6 set up)

# of Persons Expected to participate in activity/event 25-30?

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

1) Kelly Jenkins	6)
2) Tina Dykes	7)
3) LuAnn Siler	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:

Snacks At concession Stand Can Soda, Water, Cotton Candy, Pop-corn

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: Kelly Jenkins Date: 5/1/23

Printed Name: Kelly Jenkins

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: Berlin 50plus Center (WORCOA)

Contact Person: Kelly Jenkins

Address: 10129 Old Ocean City Blvd. Berlin Md 21811

Street Address

City

State

Zip Code

Phone Number: 4106410515 Email Address: kelly@worcoa.org EIN: 52-1127958

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

Requested Days/Times of Use: June 9, 2023 5-10p.m.

# of Persons Expected to participate in activity/event 25-30

With the exception of government entities, Information/Forms which MUST accompany this form:

1. Non-profit (501(c)(3)) Letter of Determination from the IRS; OR
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: Kelly Jenkins Date: 3/2/23

Printed Name: Kelly Jenkins Site Manager

Office Use Only: Date Rec'd: \_\_\_\_\_ Initials: \_\_\_\_\_

☐ Verification of Non-Profit Status received. Non-profit ID # \_\_\_\_\_ OR ☐ Government Entity

Request ☐ Approved ☐ Denied If denied state reason: \_\_\_\_\_

Comments: \_\_\_\_\_



**MOTION OF THE MAYOR AND COUNCIL 2023-11**

A motion of the Mayor and Council of the Town of Berlin to approve a MEMORANDUM OF UNDERSTANDING WITH MARYLAND DELAWARE RAILROAD COMPANY REGARDING THE PROPOSED BIKEWAY PROJECT.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED, WITH \_\_\_\_ ABSTAINING, AND \_\_\_\_ ABSENT.

\_\_\_\_\_  
Dean Burrell, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Mayor of the Town of Berlin.

\_\_\_\_\_  
Zackery Tyndall, Mayor

ATTEST: \_\_\_\_\_  
Mary Bohlen, Town Administrator

## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is made this \_\_\_\_ day of April, 2023 by and between The Maryland Delaware Railroad Company (“Railroad”) and the Town of Berlin (“the Town”), hereinafter collectively referred to as “the Parties”.

This MOU shall replace and supersede any previous MOU between the Parties relating to the Town’s Bike Path.

### **Nature of License**

1. Subject to the terms and provisions below, Railroad agrees to grant the Town a non-exclusive License for the use of a fourteen foot (14’) wide Bike Path (ten foot (10’) paved path buffered on each side by a two foot (2’) gravel border) (“Bike Path”), so long as the width of Railroad’s Right of Way (“ROW”) is adequate, in Railroad’s sole discretion, to accommodate the final design of said Bike Way.
2. Town’s license shall be for a shared use non-motorized trail for public recreation. The ROW shall remain available for overhead, underground, and other non-conflicting uses.

### **Responsibilities of Town**

1. Town shall be responsible for all costs and expenses to inspect, improve, maintain and repair the Bike Path for use as a recreational hiker/biker trail. These responsibilities shall include, but not be limited to:
  - a. Town and Railroad agree to provide advance notice of any maintenance activities for the railroad tracks or trail that requires the temporary closure of the railroad tracks or trail.
  - b. Town agrees to coordinate and notify Railroad at least 48 hours in advance if access to the railroad is needed to perform maintenance activities. In an emergency situation that requires more immediate access to railroad tracks, Town must contact Railroad’s General Manager or designee and obtain track clearance prior to fouling any portion of the railroad tracks.
  - c. Town and Railroad shall be responsible for the removal of debris, including but not limited to, trees, dirt, and rocks, including ballast, from the respective trail and railroad facilities.
  - d. Maintenance of all newly installed culverts and drainage structures shall be the responsibility of the Town including all drainage issues that interfere with railroad operations.
  - e. Town and Railroad shall coordinate response and repairs to the trail and railroad resulting from landslides, sinkholes and major storm damage.
  - f. Other maintenance responsibilities and conditions may be included in the License Agreement to be executed between the Parties.

2. Railroad's granting of said License shall be conditioned upon (1) Railroad's approval of the Town's construction plans for the Bike Path, and (2) the execution of a formal License Agreement covering the Bike Path and the mutual rights, responsibilities and liability associated with the same.
3. The License shall span the length of Railroad's ROW through the Town, beginning on easterly side of the track at its northern most point, crossing Main Street and continuing on the westerly side of the track to its terminus at the southern boundary line of the Town.
4. Town may make those alterations and improvements to the Area, consistent with a trail. However, Town will submit all proposed design and construction plans for alterations and improvements to the Railroad for review and written prior approval. Prior to design approval and the implementation of all alternations and improvements, the operating Railroad shall have the opportunity to review all design and construction plans.
5. Town acknowledges that ROW is an active freight rail line. Town shall not create or allow any conditions that interfere with rail operations including but not limited to drainage, vertical and horizontal clearance, and access points.
6. Town shall indemnify the Railroad from all trail-related activities, including trail-related trespassers.
7. Town shall install "No Trespassing/Keep Off the Tracks" at trail access points, information kiosks, structures, and private and public grade crossings.
8. Town shall allow Railroad to inspect the Area at regular intervals and upon completion of construction of the trail to ensure rail operations are not impeded.

#### MOU Term

1. This MOU shall remain in effect for a period of five (5) years from the date hereof, unless subsequently modified by the Parties in writing. If a License Agreement has not been executed within five (5) years, this MOU will expire and no obligation related hereto will remain on either party.

#### License Term

1. The term of the License shall be for ten (10) years and renewable thereafter on such terms as can be agreed upon in a final License Agreement.

#### Reservation Fee

1. Beginning on **May 1, 2023**, the Town shall pay an annual fee, in advance, of \$1,500.00 per year (hereinafter referred to as "Reservation Fee").

2. Upon approval by Railroad of the design and construction plans for Phase 1 of the Bike Way, the Town's Reservation Fee shall be reduced to \$1,000.00 for the following agreement year.
3. Upon approval of Phase 2 construction plans, the Reservation Fee will be reduced to \$500.00. In the event Phase 2 completes the Bike Way for the total length of Railroad's ROW through the Town, then in such event, the total Reservation Fee shall be reduced to zero (0).
4. Upon approval of the construction plans for Phase 3, the Reservation Fee shall be reduced to zero (0). However, in the event Phase 3 does not extend for the total length of the Railroad's ROW through the Town, then in such event, the Reservation Fee remains at an annual rate of Five Hundred Dollars (\$500.00), so long as the Town continues to request that Railroad reserve the unused portion of the ROW on a non-exclusive basis.

#### License Fee

1. Beginning on the date of approval of construction plans by the Railroad, the Town would begin paying a License Fee of ten cents (\$.10) per sq. ft. for the total area covered by the Bike Way in Phase 1 construction plans (both paved and gravel area) pro-rated to the following May 1<sup>st</sup> and annually, in advance, thereafter, said fee (hereinafter referred to as the "License Fee").
2. Upon approval by Railroad of construction plans for Phase 2, the License Fee shall increase at the rate of ten cents (\$.10) per sq. ft. for the area approved by Phase 2.
3. Upon approval by Railroad of the construction plans for Phase 3, the License Fee shall increase at the rate of ten cents (\$.10) per sq. ft. for the area approved by Phase 3.
4. The annual License Fee shall increase according to the CPI.
5. Railroad reserves the right to adjust its per sq. ft. License Fee upon review of the Town's construction plans and specifications in the event the final plans are more onerous on the ROW than originally envisioned.

#### Insurance

1. The insurance provisions with respect to Commercial General Liability and Railroad Protective Liability Insurance shall be set forth in the License Agreement. RAILROAD reserves the right to continue to research additional considerations and insurance limits required due to the Bike Way being occupied by the general public, in addition to the parties to the License Agreement and their contractors. RAILROAD may impose additional insurance requirements should the circumstances necessitate additional coverage.

IN WITNESS WHEREOF, the parties set their hands and seals on the date first above written.

**The Town of Berlin**

By: \_\_\_\_\_

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

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

**The Maryland Railroad**

By: \_\_\_\_\_

Name: Cathrin Banks

Title: President & General Counsel



## April 10, 2023 Weekly Report

### Departments this Week:

#### Town Administrator

- I will be on vacation from Tuesday, April 11 to Friday, April 14.
- Next Saturday, April 15<sup>th</sup> is the Backyard Buffer Tree Giveaway; we are the hosts for Worcester County.
- The Smart Meter Installation RFP is being advertised and is active on the Town website and Demandstar (bidding service).
- Bruce Hyder notified us that he will not be able to continue on the Parks Commission due to health concerns. We are very sorry to see him go.
- Cards is developing an RFP for the Council Chambers A/V. A reminder that \$50,000 in ARPA funds was set aside for this project.
- Enterprise Funds FY24 Budget Work Session is scheduled for Monday, April 17<sup>th</sup> at 5:00.
- On Tuesday, April 4, 2023, Kelsey and I attended the LGIT Renewal meeting in Cambridge, which included 1<sup>st</sup> Amendment Training and a presentation on recreational marijuana and the potential impacts on policies and practices in government workplaces; long and short – there are no easy answers, but Kelsey and I will continue to keep abreast and make recommendations for incorporation into the Employee Handbook.
- Interviews are underway to fill the Mayor's Assistant role.

#### Economic and Community Development

- Berlin Spring Celebration: Saturday, 10 am - 5 pm. Staff on duty: Cody: 6 am - 12 Noon & Jimmy: 12 Noon – 6 pm First time we will be using the MVBs (Modular Vehicular Barriers)
- Fireworks Sponsors Needed – Sponsorships are the same as last year – LINK for sponsor form on [berlinmd.gov](http://berlinmd.gov) under Economic Development
- Reviewing Façade Grant applications as they come in – The deadline is Friday, April 14<sup>th</sup>.
- Working with BlueWater to fill the new storefront currently being renovated.

#### Planning Department

- Issued 6 Certificates of Occupancy for new townhouse rental units at Purnell Crossing.
- Issued 10 Building Permits, including 6 Fence permits, one residential addition, one utility shed, and 2 excavation and grading permits.
- The consultant for the Growth Element, Mr. Dhiru Thadani, will be in Town Wednesday, 4/5, and Thursday, 4/6 to begin his survey of Town features, neighborhoods, and boundaries.
- The Historic District Commission will meet Wednesday, April 5, 2023, at 5:30 PM.
- The Board of Zoning Appeals will meet Wednesday, April 12, 2023, at 5:30 PM
- The Planning Commission will meet Wednesday, April 12, 2023, at 6:00 PM.

#### Electric

- Meter Reads & Demands
- I.G. Burton: Installed New Service & Transformer
- Henry Road: Installed New Service & Transformer

- Washington Street: Removed Trees, Utility Pole Relocation.
- Franklin Ave: Scheduled Outage - Customer Generator Install
- Various Locations: Tree Trimming & Street Light Repairs
- Power Plant: Maintenance
- Commerce Street: Install EV Charging Station

### **Police Department**

- 3/27: Chief Downing submitted three grants for FY24 totaling \$74,150 (Berlin Community Engagement, Berlin Police Accountability, and Police Recruitment and Retention grants).
- 3/28: The members of the Berlin Police Department completed the (newly) mandated Physical Agility Assessment and the bi-annual rifle qualifications at the Worcester County Range in Newark.
- 3/31: Completed the Mental Health and Wellness plan with Behind the Lines and have identified a psychologist for the mandate evaluations (entry-level assessments, incidents involving serious injury or death).
- 4/4: Chief Downing is attempting to complete an equipment short-term grant due 4/7/2023.
- Collisions: 4; Arrests – 0

### **Water Resources**

- Abandoned water service on S Main St.
- Removed, repaired, and replaced SBR 2 motive pump, including bearings and impeller.
  - Operated SBR 2 manually for a week to allow for repairs.
- Cleaned 2 lift stations.
- Responded to high-level alarms at multiple lift stations.
- Welcomed a new employee to Distribution & Collections.
- Installed water and sewer service to Maple St property.
- Replaced stone for storm drain on West St/ Abbey Ln
- Serviced mowers.
- Installing new siding on Franklin Ave well house.
- 3 employees attending water/wastewater training.
- Attended Ethics training.
- Responded to sewer blockages on West St and Flower St.
- Meter reading and re-reads.

### **Public Works**

- Earth Day is April 22<sup>nd</sup>: anyone participating is asked to meet at the Welcome Center 8:30 AM; Volunteers are welcome to help. See the Town website for more information.
- Spring Bulk pickup is April 19<sup>th</sup> if trash collection service is Tuesday and Wednesday and April 26<sup>th</sup> if trash collection service is Thursday. Please sign up on the Town of Berlin website.
- Yard Cleanup is May 3<sup>rd</sup> if trash collection service is Tuesday and Wednesday and May 10<sup>th</sup> if trash collection service is Thursday. Please sign up on the Town of Berlin website.
- Planted 8 Arborvitae (Green Giants) along the Decatur Park fence line that separates Decatur Park and Kenwood Ct. This will help to add privacy to the residents on Kenwood Ct. A resident also reimbursed the Town for the cost of the trees. We thanked him for that.
- With Grass cutting season starting, we like to remind our residents not to put grass clippings out into our streets. It is a SAFETY hazard for vehicles and motorists. Also, when it rains the grass clippings get washed down the storm drains and flood and block our waterways.

- Crews have been mulching and cleaning the parks, we mulched and cleaned around police station this week.

**Human Resources Director**

- Worked with Paypoint to provide position start dates for some employees.
- Working with vendors for open enrollment, including an AGH day, where they will do free health screenings.
- Processed Payroll and all corresponding paperwork on 03/27/23.
- Wor-Wic Job Fair on 03/30/23.
- Onboarded a new hire – William Bradford, Distribution and Collection Technician 04/03/23.
- Attended the LGIT renewal workshop on 04/04/23.
- Interview for Stormwater 04/04/23.
- Scheduled the Flu Clinic for 09/19/23 from 1:00 -1:45 pm at Town Hall.

**INVOICE**

Phone: (410)-228-4447 / Fax: (410)-228-2517  
Email: sales@hillsindustrial.com

<b>Invoice No:</b>	0139771
<b>Invoice Date:</b>	04/04/23
<b>Page:</b>	1 of 1

<b>Sold To:</b>	Customer Number: 000667 <b>MAYOR &amp; COUNCIL OF BERLIN</b> 10 WILLIAM STREET BERLIN, MD 21811	<b>Ship To:</b>	Ship To Number: 000001 <b>MAYOR &amp; COUNCIL OF BERLIN</b> 10 WILLIAM STREET BERLIN, MD 21811
	Phone: 410-641-2770 Fax: 410-641-2316		Phone: 410-641-2770

Order Number	Order Date	Sales Code	Ship Date	Ship Via	Terms
J062941	02/27/23	004	03/30/23		NET 30 DAYS
<b>Purchase Order:</b>	202301029	<b>PO Release:</b>		<b>Misc Number:</b>	

Ordered	Shipped	B/O	Item Number / Description / Notes	Unit Price	Extended
			Nameplate Data:		
			Pump brand: FLYGT		
1.0	1.0	0.0	6571701	5912.55	5,912.55
			REPAIR KIT (BEARINGS & SEALS)		
1.0	1.0	0.0	6659515	6292.65	6,292.65
			IMPELLER, "N" TYPE, CODE 613		
1.0	1.0	0.0	7046900	2678.55	2,678.55
			WEAR RING		
1.0	1.0	0.0	6630400	469.35	469.35
			FLS DETECTOR		
1.0	1.0	0.0	FREIGHT	275.00	275.00
			INBOUND FREIGHT FOR PARTS		
1.0	1.0	0.0	MACH.1	68.00	68.00
			MACHINE SHOP MATERIAL		
			MACHINE SHOP LABOR, SEAL SURFACE		
5.0	5.0	0.0	MPCHHAVD50	15.26	76.30
			COOLANT 50/50, PER GALLON		
1.0	1.0	0.0	9472K645	66.27	66.27
			10" X 1/8" FLANGE GASKET		
1.0	1.0	0.0	9470K41	59.37	59.37
			GASKET MATERIAL 1/8"		
1.0	1.0	0.0	91292A161	13.94	13.94
			SS CAP SCREWS M10/35mm(PK10)		
			SHOP LABOR		
			FIELD SERVICE LABOR		
			LABOR		3,995.00
			THANK YOU FOR YOUR BUSINESS!		

<b>Sub Total:</b>	19906.98
<b>Discount:</b>	0.00
<b>Sales Tax:</b>	0.00
<b>Freight:</b>	0.00
<b>Total:</b>	19906.98

***Based on our Terms and Conditions.***



Check Run Reports will be added as a supplemental attachment.

**\*\*FULL CHECK RUNS AND CREDIT CARD STATEMENTS WERE NOT AVAILABLE AT THE TIME PACKET WAS PUBLISHED**