



MAYOR AND COUNCIL
Meeting Agenda
Worcester County Library – Berlin Branch
13 Harrison Ave
Monday, August 10, 2026

6:00 PM CALL TO ORDER, REGULAR SESSION – Worcester County Library – Berlin Branch, 2nd Floor

- 1. 6:05 PM APPROVAL OF MINUTES:** - Mayor Zack Tyndall (*Strategic Plan: DS1*)
 - a) Regular Session Minutes of 7.27.26
 - b) Closed Session Minutes of 7.27.26
- 2. 6:10 PM DISCUSSION:** Commercial Trash Collection Service – Public Works Director Jimmy Charles (*Strategic Plan: DS3*)
- 3. 6:40 PM FIRST READING:** Ordinance 2026-06: Amending Chapter 16, Entitled Fire Prevention and Protection, Article II, Entitled Outdoor Burning – Acting Planning Director Ryan Hardesty & Town Administrator Mary Bohlen (*Strategic Plan: DS2, AS2*)
- 4. 6:50 PM PUBLIC HEARING:** Ordinance 2026-05: Amending Sections of Chapter 28, Streets, Sidewalks, and Certain Other Public Places (*First Reading on Monday, July 27, 2026*) – Town Administrator Mary Bohlen (*Strategic Plan: DS5, AS5*)
- 5. 7:00 PM ITEM(S) FOR APPROVAL:**

A public comment period will now be offered after discussion by the Mayor and Council for each Item for Approval. Any person who may wish to speak will be given two (2) minutes or such time as may be deemed appropriate by the Mayor.

 - a) Motion 2026-46: Sidewalk Cost-Sharing Program – Town Administrator Mary Bohlen (*Strategic Plan: DS3, AS5*)
 - b) Motion 2026-47: Approving RFP 2026-07 Bottle Branch Sewer Lining – Water Resources Director Jamey Latchum (*Strategic Plan: DS3, AS3*)
 - c) Motion 2026-41: Approval of Town Hall Renovation Furniture – Mayor Zack Tyndall & Architect Daniele Haley (*Strategic Plan: DS1*)
- 6. 7:30 PM REPORT(S):** Town Administrator’s Report, Departmental Reports (*Strategic Plan: DS1, DS4*)
- 7. 7:35 PM COMMENTS FROM THE PUBLIC** (*Strategic Plan: DS4; DS5*)

Anyone wishing to speak during COMMENTS FROM THE PUBLIC at the Regular Session may do so for up to five (5) minutes or as determined by the Mayor. Please state your name, street, and the subject you wish to address.
- 8. 7:45 PM COMMENTS FROM THE COUNCIL**
- 9. 7:50 PM COMMENTS FROM THE MAYOR’S OFFICE**
- 10. 7:55 PM COMMENTS FROM THE PRESS**
- 11. 8:00 PM ADJOURNMENT**





BERLIN MAYOR AND COUNCIL

Meeting Minutes

Monday, July 27, 2026

6:00 PM REGULAR SESSION – Worcester County Library – Berlin Branch

Present: Mayor Zackery Tyndall (arrived late), Vice President Dean Burrell, and Councilmembers Steve Green, Jay Knerr, Shaneka Nichols, and Jack Orris.

Staff Present: Town Administrator Mary Bohlen, Town Attorney David Gaskill, Finance Director Natalie Saleh, Human Resources Director Kelsey Jensen, Director of Public Works Jimmy Charles, Chief of Police Howard Drewer, Acting Planning Director Ryan Hardesty, Mayor's Executive Assistant Sara Gorfinkel, and Associate Town Administrator Kate Daub.

This meeting was also broadcast live via Facebook. Following a brief moment of silence followed by the Pledge of Allegiance, Vice President Burrell called the meeting to order at approximately 6:00 PM.

1. Approval of Minutes: Regular Session Minutes of 07.10.26 – Mayor Tyndall (Strategic Plan: DS1)

In Mayor Tyndall's absence during the approval of the minutes, Vice President Burrell conducted the vote.

On the motion of Councilmember Green, seconded by Councilmember Orris, the Regular Session Minutes of 07.10.26 were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
*Dean Burrell, VP			X		
Steve Green	X				
Jay Knerr	X				
Shaneka Nichols	X				
Jack Orris	X				
<i>Voting Tally</i>	4		1		

*As presiding official, Council Vice-President Burrell did not vote.

2. Presentation: Berlin Fire Company and Fire Company Emergency Medical Services Quarterly Report – President David Fitzgerald and Fire Chief Andy Grunden

Fire Chief Andy Grunden presented the Fire Department's operational report for January 1 through June 30, reviewing emergency response statistics, operational trends, volunteer activity, financial performance, and long-term capital planning. Chief Grunden reported that the department responded to 87 in-town fire calls and 145 out-of-town calls during the reporting period, representing an increase of approximately 30 calls compared with the same period last year. Year-to-date totals included 161 in-town calls and 271 out-of-town calls, with the distribution between in-

town and mutual-aid responses remaining generally consistent with the prior year. He noted that Sundays were the busiest day of the week, followed by Fridays, while the busiest response period occurred between 3:00 and 4:00 p.m., with 8:00 to 9:00 p.m. ranking second. Chief Grunden emphasized that these patterns are statistical observations only and that no specific cause has been identified for the higher activity during those times. He further reported that the department experienced 45 instances of two simultaneous fire or rescue incidents and five instances involving three simultaneous incidents, noting that overlapping emergency calls continue to occur with unusual frequency in Berlin despite no clear explanation.

Chief Grunden said the average response time improved to 2 minutes and 59 seconds, compared with 3 minutes and 31 seconds during the same period last year, and attributed the improvement primarily to increased experience and efficiency among county communications center dispatch personnel rather than operational changes within the department. Chief Grunden reported that volunteers recorded 3,308 hours during the first six months of the year and 6,092 hours year-to-date, approximately 300 hours more than the previous year. He emphasized that these figures do not fully reflect the department's volunteer contributions because many administrative duties, meetings, and officer and board activities are not captured in the electronic time-tracking system.

Financially, President Fitzgerald said there were no significant revenue concerns during the reporting period. He said the department continues to receive occasional questions from newer residents regarding its annual fundraising campaign, reflecting unfamiliarity with the volunteer fire department funding model. He also said that event parking revenue increased by approximately \$500 over the previous year. On the expense side, he said the department incurred significant costs related to winter heating system repairs following failures of aging heat exchangers. He added that approximately \$50,000 has been budgeted this year to replace the remaining original infrastructure. He also said vehicle maintenance costs increased due to the aging apparatus fleet. Despite approximately \$40,000 in unanticipated heating and vehicle maintenance expenses, he said the department remained within its approved budget through savings realized in other areas.

Mayor Tyndall joined the meeting at 6:12 PM.

Regarding EMS operations, Chief Grunden said the department responded to 643 in-town and 445 out-of-town calls during the first six months of the reporting period, with year-to-date totals of 1,323 in-town and 932 out-of-town responses. He said crews completed 511 patient transports and 132 non-transports during the six-month period, with approximately 80% of calls resulting in transport. Year-to-date, he said EMS completed 968 transports and 355 non-transports, with about 73% of responses requiring transport.

He said Mondays and Wednesdays were the busiest days for EMS calls, with peak activity occurring between 11:00 a.m. and noon and again from 1:00 to 2:00 p.m. Although those trends were somewhat unexpected, he said turnout times remained well within national standards, averaging 1 minute and 42 seconds during the reporting period compared with 1 minute and 20 seconds the previous year. Addressing simultaneous EMS calls, he said current reporting software cannot

accurately track overlapping incidents because dispatch records remain tied to the initially assigned ambulance even when crews switch vehicles to balance fleet usage.

Responding to council questions, he said simultaneous emergencies require constant reassignment of personnel and apparatus based on incident severity, with mutual aid frequently supplementing available resources. He added that longer ambulance transports to TidalHealth Hospital in Salisbury further reduce unit availability and have been a significant factor driving the department's gradual increase in career staffing over the years.

Financially, President Fitzgerald said there were no significant concerns during the six-month reporting period. He said EMS billing revenue increased through improved collection efforts, while operating expenses rose because of higher fuel costs, aging ambulances, increased medical supply prices, technology expenses, and personnel costs. Although vehicle maintenance exceeded budget by approximately \$21,400, he said those overruns were less severe than those experienced by the fire department.

Discussing long-term capital planning, President Fitzgerald said a new 2025 ambulance had been placed into service and that future replacements scheduled for 2027 and 2029 remain difficult to price because manufacturers cannot accurately project future chassis costs. He noted that the recently delivered ambulance cost approximately \$463,000 and said the department must continue planning years in advance to maintain its replacement schedule, with ongoing financial support from the town likely remaining necessary.

During council discussion, Chief Grunden said ambulances routinely respond to fire incidents, while fire apparatus is dispatched to medical calls only when additional assistance is warranted. He also said reliable local fuel suppliers remain essential despite rising prices and warned that ambulance costs have nearly doubled over the past six years. President Fitzgerald added that the department redesigned its annual fundraising mailing to better explain growing operational costs and encourage donations while noting that parking donation revenue continues to depend largely on weather and voluntary public contributions.

3. First Reading: Ordinance 2026-05: Amending Sections of Chapter 28, Streets, Sidewalks, and Certain Other Public Places (Public Hearing on Monday, August 10, 2026) – Town Administrator Mary Bohlen

Mayor Tyndall introduced the first reading of Ordinance 2026-05, which proposed revisions to Chapter 28 governing streets, sidewalks, and certain public places. Town Administrator Mary Bohlen said the ordinance primarily updates existing town code by clarifying notice requirements, enforcement procedures, and the town's longstanding sidewalk cost-share program rather than creating new policy.

During preliminary discussion, Ms. Bohlen said staff recommended retaining the existing 50-50 cost-sharing arrangement for residential sidewalk repairs while suggesting a possible 75-25 split for commercial properties. She also said participation in the program would remain subject to annual

budget appropriations and encouraged property owners to confirm funding eligibility before beginning repairs.

Councilmember Green said it is his understanding that many property owners may be unaware they are responsible for maintaining adjacent sidewalks but noted that he had researched the matter and found that this was common in municipalities. Ms. Bohlen responded that the responsibility has existed in the town code since at least 1994 and noted the current budget includes \$20,000 for the cost-share program after several years without dedicated funding. Councilmember Orris proposed using sidewalk grinding to address trip hazards where practical, although Public Works Director Mr. Jimmy Charles said grinding is only feasible for minor elevation changes that remain ADA compliant and is not suitable for more significant damage.

Councilmember Nichols asked for clarity concerning homeowners' associations and their applicability to the proposed cost-share program. Town Attorney David Gaskill explained that maintenance responsibilities vary depending on each HOA's governing documents, with some associations responsible for common-area sidewalks and trees while others assign responsibility to individual property owners. Representatives from the Walnut Hill community, including Mr. Ron Cascio, were present at the meeting and said the subdivision's streets, sidewalks, trees, and related infrastructure were accepted by the town after construction and questioned why residents should now share the cost of repairing sidewalks they believe are publicly owned. He said the HOA has continued maintaining common areas and trees despite believing the infrastructure belongs to the town. Mr. Gaskill indicated that he had located documentation that suggested that the sidewalks may not be included in the Town's responsibility; it was agreed that further clarification was needed.

Mr. Charles added that replacing sidewalks without addressing underlying tree roots would likely lead to recurring damage. He noted that long-term solutions may require removing problematic trees, replacing them with less invasive species, or redesigning sidewalk construction methods to better accommodate root growth. He also explained that several sidewalks have shifted too extensively to be corrected through grinding alone and that ADA requirements often necessitate reconstructing multiple sidewalk panels rather than repairing isolated sections. Ms. Bohlen said that estimated costs for the Walnut Hill repairs ranged from \$25,000 to \$30,000, an amount that would nearly exhaust the town's annual sidewalk repair allocation.

Councilmember Knerr revisited the proposed enforcement procedures and questioned whether the ordinance's 20-day compliance period for hazardous sidewalk repairs was realistic. He noted that obtaining contractor estimates and scheduling concrete work often takes considerably longer. Acting Planning Director Ryan Hardesty suggested revising the ordinance to require property owners to either correct the hazard or secure repair services within the compliance period. Councilmember Knerr also supported extending the minimum compliance period to provide greater flexibility for weather-related and construction delays and recommended waiving permit fees for qualifying sidewalk repairs.

Mayor Tyndall led a discussion on options for accommodating property owners who could not immediately afford required sidewalk repairs. Rather than attempting to define financial hardship,

the Council favored allowing a one-time, case-by-case deferral of up to 12 months while preserving the property owner's ultimate responsibility to complete the repairs. Ms. Bohlen said she would revise the proposed ordinance to establish a structured deferral process that provides flexibility without permitting indefinite postponements. The Council then reviewed proposed language authorizing the Town to require the construction of new sidewalks when necessary to protect public safety. Councilmember Knerr expressed concern that the provision appeared to grant the code enforcement officer broad discretion in making such determinations. Ms. Bohlen explained that these decisions would remain subject to supervisory review and could be appealed to the Housing Board of Review.

Resident Ms. Marie Velong read a prepared statement urging the town to assume full responsibility for sidewalk maintenance and repairs, emphasizing that sidewalks are public infrastructure best managed through a coordinated municipal program rather than by individual property owners. She said a centralized approach would improve consistency, enhance public safety, reduce liability, and better position the town to pursue state and federal grant funding. She also recommended including a hardship provision for residents unable to afford required repairs. Mayor Tyndall acknowledged her comments but noted that any expansion of the town's maintenance responsibilities would depend on available funding. Ms. Bohlen added that determination of priorities in completing repairs would require a comprehensive, townwide sidewalk assessment, which would be a costly undertaking.

Before concluding the discussion, Mayor Tyndall summarized the Council's consensus to revise the proposed ordinance by extending compliance deadlines, allowing compliance through the procurement of repair services, eliminating permit fees for sidewalk repair work, and establishing a one-time, case-by-case deferral of up to 12 months. He said staff would also prepare revisions to the section governing new sidewalk construction requirements before the ordinance returns for further consideration.

4. FY26 Year-End Financial Highlights – Finance Director Natalie Saleh

Finance Director Natalie Saleh presented a preliminary overview of the Town's Fiscal Year 2026 finances, emphasizing that the figures reflected only a snapshot as of June 30th and would change as additional revenues were received, invoices processed, and year-end audit adjustments completed. She explained that because of the Town Hall relocation to the Visitors Center during renovations and other operational priorities, staff did not prepare the customary mid-year financial review, making the presentation a high-level update rather than a final accounting.

Beginning with the General Fund, Ms. Saleh said the FY2026 budget totaled approximately \$17 million, including about \$2.8 million in anticipated loan proceeds for the Public Works Facility and roughly \$3.8 million in reserve transfers for unfinished FY2025 projects and capital improvements. She explained that current revenues appear lower than budget because reserve transfers, financing sources, grant reimbursements, and some tax revenues have not yet been fully recognized. She added that expenditures are also well below budget because nearly \$7 million in capital projects remain incomplete, noting that only about \$1.5 million of the \$8.3 million capital budget had been

spent. As a result, she cautioned that the current positive net change should not be interpreted as the Town's final year-end surplus.

Ms. Saleh reviewed General Fund revenues, explaining that property taxes remain the Town's largest revenue source, supplemented by grants, reserve transfers, and other miscellaneous revenues. She also described the various fund balance classifications, noting that non-spendable balances have declined significantly, restricted and committed funds remain dedicated to specific purposes, and assigned balances largely reflect capital projects that have been authorized but not yet completed. She said approximately \$11 million of the General Fund currently consists of assigned, restricted, or committed funds. She further explained that public safety continues to represent the Town's largest operating expenditure, followed by general government and departmental operations, while debt service is expected to increase as financing for the Public Works Facility progresses.

Turning to the Electric Utility Fund, Ms. Saleh said the preliminary negative balance should not cause concern because reserve transfers, bond proceeds, and reimbursements associated with the Automated Metering Infrastructure (AMI) project have not yet been recorded. She reported that electric revenues were slightly below projections because anticipated development did not generate the expected increase in electrical demand, while purchase power costs increased substantially due to rising electricity prices. She noted that the Town completed its multi-year AMI smart metering project, eliminating manual meter reading and modernizing utility operations through additional equipment and vehicle purchases.

Mayor Tyndall observed that the Electric Fund's operating margins have steadily narrowed as inflation and rising operating costs have outpaced customer rates. He said the budget already includes funding for a comprehensive electric rate study that will be necessary before pursuing future rate adjustments through the Public Service Commission. Ms. Saleh agreed, explaining that long-term power forecasting has become much more difficult because of volatile energy markets and increasing regulatory requirements. She said the Electric Fund recently experienced its first negative operating result in many years as the costs of purchased power, equipment, replacement parts, and routine maintenance continued to rise.

Discussing the Water Fund, Ms. Saleh explained that its preliminary deficit primarily reflects the timing of grant and forgivable loan reimbursements for the federally mandated lead service line inventory and replacement program rather than poor operating performance. She added that ordinary operating revenue remains close to budget expectations. She said the Sewer Fund also shows a modest preliminary deficit because of lower-than-expected sewer service revenues and connection fees but remains in sound financial condition and is expected to finish close to budget after year-end adjustments. Ms. Saleh also reviewed ongoing utility capital projects, including water capacity planning, water tower improvements, completion of the smart metering project, lead service line replacement, sewer pump station improvements, sewer infrastructure investments, and equipment purchases.

Mayor Tyndall said the new smart metering system creates an opportunity to conduct comprehensive water and sewer rate studies, including evaluating a transition from billing customers

by the thousand gallons to billing by individual gallons consumed. He said a more precise billing structure could better promote water conservation while ensuring the utilities recover their actual operating costs. Ms. Saleh confirmed that planning for the utility rate studies has already begun. Ending with the Stormwater Fund, Ms. Saleh said both revenues and expenditures remain below budget because relatively few capital projects have advanced. She noted that Hudson Branch storm drain improvements and flood mitigation projects remain underway but reported no other significant updates.

5. Items for Approval:

- a) Motion 2026-41: Approval of Town Hall Renovation Furniture – Mayor Zack Tyndall & Architect Daniele Haley

Mayor Tyndall announced that the proposed Town Hall furniture presentation had been postponed until the August 10, 2026, meeting.

- b) Motion 2026-44: MDOT 3-Year Salt Agreement – Town Administrator Mary Bohlen & Public Works Director Jimmy Charles

Ms. Bohlen explained that the agreement was the same as those the Town has participated in for many years. Although it authorizes purchases of up to \$45,000, she noted that the Town has historically spent considerably less, including approximately \$11,000 over the past three years despite several winter storms.

Councilmember Orris asked for clarity about the advantages of traditional road salt versus liquid brine pretreatment. Mr. Charles explained that while liquid brine can reduce material costs under certain conditions, implementing that approach would require specialized application equipment costing approximately \$30,000 per truck. Given the Town's existing fleet of multiple salt trucks, along with an additional truck expected to enter service, Mr. Charles said it remained more practical and cost-effective to continue using conventional salt spreading. He also noted that road salt offers greater operational flexibility because it can be applied under a wider range of weather conditions.

Before the vote, Ms. Bohlen noted that a clerical error identifying "Caroline" County instead of "Town of Berlin" had already been corrected in the final agreement.

On the motion of Councilmember Orris, seconded by Councilmember Nichols, Motion 2026-44: MDOT 3-Year Salt Agreement, was adopted by the following vote:

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

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

c) Motion 2026-45: DBF Proposal Heron Park Access Road Design and Permitting

Mayor Tyndall explained that the engineering services proposal would advance the Heron Park access road from a conceptual design to a more construction-ready stage. He said the additional work would establish final roadway elevations and ensure the public roadway properly connects with the adjoining private development before construction begins.

Ms. Bohlen noted that the proposal also addressed curb-cut design responsibilities. Under the existing development agreement, she said the developer, not the Town, is responsible for engineering costs associated with curb cuts connecting the private development to the public roadway. She recommended maintaining that arrangement, estimating the related engineering work at approximately \$5,000, so that taxpayers would not bear costs benefiting the private development.

The Council then discussed language excluding stormwater management design from the engineering proposal. In response to questions about responsibility for stormwater planning and permitting, Mayor Tyndall explained that while the developer's engineering team is responsible for designing stormwater infrastructure within the development of parcel 57, the Town's consulting engineer, EA Engineering, must independently review those plans to verify compliance with municipal standards before construction proceeds. He emphasized that any additional engineering coordination required solely because of the private development should remain the developer's responsibility rather than a taxpayer expense. He added that the Town has proposed several approaches to resolve outstanding issues while continuing to work cooperatively with the developer.

Mr. Palmer Gillis with Coastal Ventures Properties was present at the meeting on behalf of the development team and responded that they had already revised the stormwater design after receiving comments from the Town and EA Engineering several weeks earlier. He explained that the original plans discharged runoff to several locations, including town-owned drainage infrastructure, but the revised design now directs all stormwater to an existing drainage ditch serving the area. He said Worcester County Soil Conservation had approved the revised stormwater concept and that EA Engineering was completing its final review. Mayor Tyndall acknowledged those revisions but reiterated that the Town would continue relying on EA Engineering's professional recommendations before accepting the final design.

The discussion then shifted to roadway elevations and curb-cut responsibilities. Mr. Gillis confirmed that its engineers would prepare the curb-cut designs at the developer's expense and submit them to DBF Engineering for review and approval. Mayor Tyndall explained that the Town's engineers have consistently advised that the public roadway must establish the controlling elevations for construction, with the adjoining private development designed to match the finished roadway rather than requiring future modifications to public infrastructure.

Mr. Gillis agreed that roadway control elevations were appropriate and said its engineers and DBF Engineering had already exchanged control-point information, although they expressed some confusion because they believed DBF already possessed the necessary survey information. The discussion concluded with both parties continuing to clarify engineering responsibilities and coordination procedures before final approval of the roadway design.

As the discussion concluded, Mayor Tyndall reiterated that although the Town's engineers and the developer's consultants had already coordinated extensively, formal approval of DBF Engineering's proposal was necessary to advance the access road to the next stage of engineering design. He again emphasized that, consistent with the development agreement, any engineering costs attributable to the developer's obligations should continue to be paid by the developer rather than Berlin taxpayers.

Mr. Gillis said he hoped to reach final settlement on the property the following week despite a few remaining subdivision plat issues. Mayor Tyndall responded that both parties had worked diligently to address the concerns previously identified by the Town's Legal Consultant, Emily Morris. He said the developer had provided the requested financing documentation and obtained Worcester County Soil Conservation approval, while the Town was awaiting a final response from legal counsel following her return from vacation. He expressed optimism that the parties were making steady progress toward settlement.

Mr. Gillis also noted that the development team had represented for some time that the access road was in the design phase and hoped the Council would approve the additional engineering funding. Mayor Tyndall clarified that the term "design" encompasses multiple phases, including conceptual, preliminary, and construction-ready engineering. He explained that the Town had already completed the conceptual design required under the development agreement and that the proposed work would advance the project by establishing final roadway elevations and other construction-ready details. He added that it would be unreasonable to expect the developer to continue advancing its project while the Town delayed the engineering needed to ensure the public access road properly connects with the private development.

On the motion of Councilmember Knerr, seconded by Vice President Burrell, Motion 2026-45: DBF Proposal Heron Park Access Road Design and Permitting, was approved by the following vote:

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

6. Reports: Town Administrator's Report, Departmental Reports (*Strategic Plan: DS1; DS4*)

Mr. Charles reported that Public Works has monitored commercial trash service behind 410 Social for the past six months and found that the business consistently generates more waste than its once-weekly collection service can accommodate. Although the business pays for one weekly pickup, he said Town crews have routinely provided a second collection because all 11 dumpsters overflow before the scheduled Monday pickup, creating litter, operational challenges, and additional labor costs. After repeated discussions with the customer, who requested more dumpsters rather than increased service, Mr. Charles said it was his recommendation to either return to the contracted once-weekly schedule or require the business to pay for the additional collection it is already receiving.

Mayor Tyndall questioned whether the Town should continue providing a level of commercial sanitation service beyond what the municipal system was designed to handle, suggesting the business may ultimately need to contract with a private waste hauler. Mr. Charles recommended a transition period through the end of August if that option is pursued.

Following discussion, consensus was to postpone action until the affected businesses could attend the August 10th meeting to discuss possible alternatives. During the discussion, Mayor Tyndall directed staff to calculate the average weight and disposal costs of commercial collections, noting that any future commercial rates should fully recover the Town's collection and landfill expenses.

7. Comments from the Public (*Strategic Plan: DS4; DS5*)

Resident Nick Rigopoulos raised issues of recurring neighborhood concerns, beginning with longstanding drainage problems affecting his property. He urged the Town to pursue a more comprehensive stormwater management strategy to reduce flooding and prevent private properties from serving as de facto detention areas during heavy rains. Mr. Rigopoulos suggested holding a formal community grievance meeting where residents could discuss recurring concerns collectively rather than individually during Council meetings. He also encouraged the Town to remain mindful of conflict-of-interest and employment requirements, apply hardship provisions with appropriate flexibility, and continue supporting programs such as the sidewalk cost-sharing initiative while balancing consistency with reasonable accommodations.

Resident Mary Hedlesky asked two questions regarding the Town's Financial Highlights. First, she sought clarification on engineering costs shown in the Stormwater Fund capital project summary, noting that her review of engineering invoices dating back to 2024 reflected higher totals than those presented. Ms. Saleh explained that the presentation included only expenditures from the current fiscal year, not cumulative project costs, which accounted for the difference. Ms. Hedlesky also asked why Town credit card statements had not been posted since early June. Ms. Saleh explained that the Town is transitioning between fiscal years and that the credit card billing cycle spans both fiscal periods. She said staff must manually allocate transactions between fiscal years before the statements can be published, resulting in a temporary delay.

Resident Marie Velong again raised concerns about the lack of trash receptacles in one of the Town parks, noting that bins previously located near the pond and flagpole had been removed. Mr. Charles responded that the Town is purchasing five new dog waste stations equipped with bag dispensers and disposal containers.

8. Comments from the Council

Councilmember Knerr asked if there was an update regarding the speed camera program. He noted that the Council had not received a report for some time and requested updated information on both enforcement activity and revenue generated by the program. Police Chief Howard Drewer responded that the requested information had already been compiled but was not included on the meeting agenda. He stated that the data was available for distribution.

Mayor Tyndall suggested that the report first be distributed electronically to all Councilmembers for their review. He further recommended scheduling a more comprehensive presentation at a future meeting, explaining that additional related work is currently underway and that it would be more beneficial to present the speed camera statistics as part of a broader discussion rather than as a standalone update.

Councilmember Nichols revisited the issue of roadside ditch maintenance after observing drainage conditions throughout the area. She said that both Town and County drainage ditches appeared overgrown and inadequately maintained, while some roadside ditches maintained by the Maryland State Highway Administration appeared to receive more consistent vegetation management. She asked whether the Town could pursue a partnership or formal agreement with another governmental agency, such as the State Highway Administration, to improve ditch maintenance within Berlin.

Mayor Tyndall responded that the Town has recently received numerous inquiries from residents asking whether Town staff would begin maintaining roadside drainage ditches that have historically been the responsibility of adjacent property owners. He said he had intentionally delayed providing a definitive response because he wanted policy direction from the full Council before establishing a consistent position. Mayor Tyndall reminded the Council that staff had previously provided cost estimates demonstrating the significant financial impact of assuming responsibility for widespread ditch maintenance. He asked the Council whether it wished to continue advising residents that ditch maintenance remains the responsibility of the adjoining property owner or whether it wanted to consider assuming some level of maintenance despite the associated costs.

Mr. Charles clarified that State Highway generally maintains its roadside ditches through vegetation control practices and, in some cases, by utilizing specialized contractors with mechanical mowing equipment. He stated that the Town currently owns equipment with a limited reach and that Stormwater Department staff have been using it to maintain certain Town-owned drainage facilities. Vice President Burrell asked why the Town's existing equipment could not also be used to maintain additional drainage ditches throughout the community.

Returning to the policy discussion, Mayor Tyndall requested guidance from the Council on how staff should respond to residents seeking assistance with privately owned drainage ditches. Vice President Burrell stated that the Town should begin exploring ways to provide greater maintenance assistance, noting that many property owners lack either the equipment or the physical ability to properly maintain their drainage ditches. Mayor Tyndall discussed the financial implications of establishing a municipal drainage ditch maintenance program. He said that, based on previous estimates, the Town would need to invest approximately \$200,000 in equipment and an additional \$200,000 annually for staffing and operational expenses. He explained that, because drainage ditch maintenance is a stormwater function, these costs would have to be funded through the Stormwater Fund. Mayor Tyndall further stated that current stormwater fee revenues would not support an additional \$400,000 in annual expenditures without a significant increase in stormwater fees for residential and commercial property owners.

Vice President Burrell responded that the Town may not need to maintain every drainage ditch on a routine basis. He suggested focusing on only the most problematic locations and performing limited maintenance, such as once each season, which could improve drainage conditions without creating a comprehensive town-wide maintenance program. Building on that suggestion, Mayor Tyndall proposed a phased approach and asked each councilmember to identify drainage ditches within their respective districts that appear to require the greatest attention. He said staff could then compile the identified locations and obtain cost estimates from private contractors to determine the expense of performing targeted maintenance. Ms. Bohlen advised that maintenance of drainage ditches located on private property would also require legal access agreements from the affected property owners. She explained that identifying a ditch as needing maintenance would not, by itself, authorize the Town or its contractors to enter private property to perform the work.

Councilmember Orris encouraged the Town to proactively prepare for utility-scale solar development by consulting neighboring Maryland and Delaware communities that have already regulated large-scale solar projects. He said learning from their experience would help Berlin develop effective zoning regulations, ordinances, and community protections before any proposals are submitted. He noted that utility-scale solar presents new challenges for municipalities and that Berlin can benefit from lessons learned elsewhere.

Drawing on discussions at a recent Eastern Shore Association of Municipalities (ESAM) meeting, Councilmember Orris also highlighted growing concern across the Eastern Shore about potential large-scale data center development. He pointed to Worcester County's recent data center moratorium and noted that courts have upheld municipalities' authority to adopt temporary moratoriums, typically for up to one year while studying new land-use issues, with possible extensions. Councilmember Orris asked Ms. Saleh to explain how municipal grants are funded, noting that the process is often misunderstood. She said grant requirements vary by program, as some provide funding upfront, while many operate on a reimbursement basis, requiring the Town to pay eligible expenses before seeking repayment from the granting agency.

Councilmember Orris also sought clarity regarding the Town's building permit review process. Ms. Hardesty explained that Planning and Zoning typically performs the final review and coordinates with

other departments to resolve issues identified late in the process. She added that it would be helpful for Planning and Zoning to conduct its review earlier in the permit process so significant planning issues are identified before multiple departments spend time reviewing plans that may later require substantial revisions.

Councilmember Green reported that a group of residents from a local senior housing facility had planned to address the Council but left because the meeting ran late. He said the residents were to raise concerns following a recent change in property ownership at The Cottages, citing maintenance problems, extended air conditioning outages for some tenants, and broader property management issues. Councilmember Green said the residents are working with Maryland Legal Aid and pursuing appropriate legal and administrative remedies. While the matter primarily involved a privately owned property and is largely outside the Town's authority, Councilmember Green said it is important for the Council to remain informed because the issues could eventually involve code enforcement or other municipal responsibilities.

9. Comments from the Mayor's Office

Mayor's Executive Assistant Sara Gorfinkel announced several upcoming community events and project milestones, including positive news that the Town is now prepared to receive its long-anticipated USDA grant. The funding represents a significant milestone for the community center project.

10. Comments from the Press – None.

11. Adjournment:

On the motion of Vice President Burrell, seconded by Councilmember Knerr, the meeting was adjourned at approximately 8:58 PM.

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

Respectfully submitted,



Kate Daub
Associate Town Administrator

CLOSED SESSION
MAYOR AND COUNCIL OF BERLIN MARYLAND
Monday, July 27, 2026

Present: Mayor Zack 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 Dave Gaskill, Assoc. Town Administrator Kate Daub present at start

Absent: none

Others present: none

Location: Berlin Branch Library, 13 Harrison Avenue, Berlin, MD 21811

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 one or more specific individuals;
 - a. Personnel Matter

Beginning at approximately 9:15 PM, the motion and vote to go into Closed Session were held in the 2nd floor meeting room and streamed live via Facebook. Mayor Tyndall read the Closed Session Summary, which is attached and incorporated into these Minutes upon approval. With no questions or comments, Councilmember Orris moved to adjourn to Closed Session and Councilmember Knerr seconded. The vote to proceed into Closed Session was as follows:

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

The Facebook feed was ended and Ms. Daub left the room.

REMAINDER OF MINUTES REDACTED FOR INCLUSION IN OPEN RECORD

Following a motion by Councilmember Green, second by Councilmember Knerr, the Meeting adjourned at approximately 9:30 PM.

Respectfully Submitted,



Mary T. Bohlen

Town Administrator

Attachments: Closed Session Summary of July 27, 2026



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: Monday, July 27, 2026, 9:15 PM (immediately following Regular Meeting
- b. Place (location) of closed session: Worcester County Library, Berlin Branch, 13 Harrison Avenue, Berlin, MD 21811, 2nd floor
- c. Purpose of the closed session: Personnel Matter
- d. Date and time that we will return to public meeting: Monday, August 10, 2026, 6:00 PM

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

- a. Motion to close meeting made by: Orris
- b. Second by: Knerr
- c. Members voting in favor: Burrell, Green, Nichols
- 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;

b. Personnel Matter

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
Personnel Matter	Z. Tyndall, D. Burrell, S. Green, J. Knerr, S. Nichols, J. Orris M. Bohlen, K. Jensen, D. Gaskill	No action/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, Town Attorney David Gaskill, Special Projects Administrator Kate Daub.



STAFF REPORT

TO: Mayor and Council

FROM: Ryan Hardesty, Acting Planning Director

MEETING DATE: August 10, 2026

SUBJECT: Outdoor Burning Ordinance

SUMMARY:

The proposed ordinance replaces the Town's existing outdoor burning regulations to provide clearer standards for open burning, recreational fires, permitting requirements, operational standards, prohibited activities, and enforcement. The revisions also clarify that recreational fires and outdoor cooking fires are permitted without an open burn permit when they comply with the ordinance requirements.

BACKGROUND:

Due to recent discussions regarding whether fire pits are permitted within the Town limits, staff revised the Outdoor Burning Ordinance to provide clear guidance on permitted and prohibited burning activities. Staff also contacted the Worcester County Fire Marshal's Office to ensure the proposed ordinance is consistent with Worcester County standards and to confirm that the Town's regulations are not less restrictive than those adopted by Worcester County.

SECTION BY SECTION SUMMARY OF PROPOSED AMENDMENTS:

§ 16-19. Purpose and Intent

Establishes the purpose of the ordinance to protect public health, safety, and welfare by regulating outdoor burning. Clarifies that the ordinance is intended to be consistent with applicable State and County regulations and does not authorize any burning prohibited by Worcester County, the State of Maryland, or any applicable burn ban.

§ 16-20. Definitions

Adds definitions for key terms used throughout the ordinance. These definitions provide clarity regarding the types of burning regulated under the ordinance.

§ 16-21. Permit Required

Explains that Open Burning requires a permit and requires submission of a site plan showing measured distances for permit approval.

§ 16-22. Permit Exemptions

Exempts recreational fires and outdoor cooking fires used solely for food preparation from the Open Burn Permit requirement.

§ 16-23. Requirements for Open Burning

Establishes operational standards for permitted open burning, including limiting materials that may be burned, establishing minimum separation distances, restricting burning in densely developed areas, requiring notification to Emergency Services, prohibiting hazardous conditions or nuisances, and requiring fires to be attended until extinguished.

§ 16-24. Requirements for Recreational Burning

Establishes safety standards for recreational fires, including a minimum setback of 15 feet from buildings, structures, and combustible materials, and requires fires to remain attended until completely extinguished.

§ 16-25. Prohibited Burning

Prohibits the burning of household trash, hazardous materials, treated wood, plastics, and rubber. Also provides that all Open Burn Permits are automatically suspended during any Worcester County or State-issued burn ban.

§ 16-26. Fees

Provides that permit fees will be established through the Town's adopted fee schedule, as amended from time to time by resolution of the Mayor and Council.

§ 16-27. Violations

Establishes enforcement provisions by classifying violations as municipal infractions and setting fines of \$100 for an initial violation and \$200 for repeat or continuing violations.

RECOMMENDATIONS:

Staff recommends a review and discussion of the proposed ordinance changes. The proposed revisions clarify the Town's outdoor burning regulations, provide clear standards for residents, align with Worcester County requirements, and resolve recent questions regarding if recreational fire pits within the Town are allowed.

ORDINANCE 2026-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION AMENDING CHAPTER 16, ENTITLED FIRE PREVENTION AND PROTECTION, ARTICLE II, ENTITLED OUTDOOR BURNING.

NOW, THEREFORE, BE IT RESOLVED that Chapter 16, entitled Fire Prevention and Protection, Article II, entitled Outdoor Burning, be amended as follows:

~~ARTICLE II. OUTDOOR BURNING~~

~~Sec. 16-19. Purpose.~~

~~The purpose of this article shall be to prevent the danger to the public health and safety posed by uncontrolled or unregulated outdoor burning.~~

~~(Code 1977, § 50-1; Ord. No. 92-10, 9-14-1992)~~

SEC. 16-19. PURPOSE AND INTENT

THE PURPOSE OF THIS ARTICLE IS TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE BY REGULATING OPEN BURNING WITHIN THE TOWN OF BERLIN. IMPROPER OPEN BURNING CAN CREATE FIRE HAZARDS, AIR POLLUTION, AND PUBLIC NUISANCES. THIS ARTICLE IS INTENDED TO ENSURE COMPLIANCE WITH APPLICABLE STATE LAWS AND REGULATIONS, INCLUDING COMAR 26.11.07. NOTHING WITHIN THIS ORDINANCE SHALL AUTHORIZE OPEN BURNING THAT IS PROHIBITED BY THE WORCESTER COUNTY CODE OF PUBLIC LAWS, COMAR, MARYLAND FOREST SERVICE REGULATIONS, THE MARYLAND STATE FIRE PREVENTION CODE, OR ANY COUNTY OR STATE BURN BAN

~~Sec. 16-20. Permit required.~~

~~Within the corporate limits of the town, except by special permit from the director of the planning and zoning commission, no outside or open fires or burnings of any kind shall be permitted.~~

~~(Code 1977, § 50-2; Ord. No. 92-10, 9-14-1992; Ord. No. 2011-04, 6-12-2011)~~

SEC. 16-20. DEFINITIONS

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS CHAPTER, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

OPEN BURNING MEANS A FIRE WHERE ANY MATERIAL IS BURNED IN THE OPEN OR IN AN OPEN RECEPTACLE.

RECREATIONAL FIRE MEANS A SMALL, CONTROLLED FIRE (EITHER GAS OR WOOD BURNING) USED FOR WARMTH OR RECREATION, NOT INTENDED FOR WASTE DISPOSAL.

COOKING FIRE MEANS A FIRE USED SOLELY FOR FOOD PREPARATION IN GRILLS, SMOKERS, OR SIMILAR APPLIANCES.

YARD WASTE MEANS LEAVES, GRASS CLIPPINGS, WEEDS AND SIMILAR VEGETATIVE MATERIAL.

YARD DEBRIS MEANS BRUSH, LIMBS, BRANCHES, SHRUBS AND TREE TRIMMINGS RESULTING FROM ROUTINE LANDSCAPE MAINTENANCE.

LAND-CLEARING DEBRIS MEANS TREES, STUMPS, BRUSH, AND OTHER NATURAL VEGETATIVE MATERIAL GENERATED FROM THE CLEARING OF LAND FOR DEVELOPMENT OR AGRICULTURAL PURPOSES.

~~Sec. 16-21. Fees.~~

~~The fees for all permits issued under this chapter shall be in accordance with a fee schedule adopted by resolution of the Mayor and Council, or as such schedule shall be amended from time to time.~~

~~(Code 1977, § 50-3; Ord. No. 92-10, 9-14-1992)~~

SEC. 16-21. PERMIT REQUIRED.

EXCEPT AS PROVIDED IN §16-22, NO PERSON SHALL CONDUCT OPEN BURNING PER §16-20.A ABOVE WITHIN THE TOWN OF BERLIN WITHOUT FIRST OBTAINING AN OPEN BURN PERMIT. A SITE PLAN FOR THE OPEN BURNING WITH MEASURED DISTANCES SHALL BE SUBMITTED WITH THE APPLICATION AND MUST BE APPROVED BY THE APPROPRIATE DEPARTMENT.

~~Sec. 16-22. Violations.~~

~~Any person who shall violate any provision of this article shall be guilty of a municipal infraction~~

~~and shall be subject to a fine in the amount of \$100.00 for any single or initial violation and a fine in the amount of \$200.00 for each repeat or continuing violation.~~

~~(Code 1977, § 50-4; Ord. No. 92-10, 9-14-1992)~~

SEC. 16-22. PERMIT EXCEPTIONS

RECREATIONAL FIRES AS WELL AS OUTDOOR COOKING FIRES USING GRILLS, SMOKERS, BARBECUE PITS, OR SIMILAR DEVICES SOLELY FOR FOOD PREPARATION ARE EXEMPT FROM PERMITTING REQUIREMENTS.

SEC. 16-23. REQUIREMENT FOR OPEN BURNING.

1. SHALL BE LIMITED TO YARD WASTE, YARD DEBRIS AND LAND-CLEARING DEBRIS GENERATED FROM THE MAINTENANCE OR CLEANING OF THE PROPERTY ON WHICH THE BURNING OCCURS.
2. MUST BE A MINIMUM OF 500 YARDS FROM ANY OCCUPIED BUILDING OR PUBLIC ROAD.
3. MUST NOT BE IN ANY AREA IN WHICH THE HOUSING DENSITY IS ONE HOUSING UNIT PER ACRE OR GREATER OR IN ANY AREA ADJACENT TO WHICH THE HOUSING DENSITY IS ONE HOUSING UNIT PER ACRE OR GREATER.
4. NOTICE MUST BE MADE TO EMERGENCY SERVICES BEFORE BURNING TAKES PLACE.
5. NO HAZARDOUS CONDITIONS, AIR POLLUTION OR NUISANCE WILL BE CREATED.
6. MUST BE ATTENDED UNTIL COMPLETELY EXTINGUISHED.

SEC. 16-24. REQUIREMENTS FOR RECREATIONAL BURNING

1. MUST BE A MINIMUM OF 15 FEET FROM ANY BUILDING, STRUCTURE OR FLAMMABLE MATERIALS.
2. MUST BE ATTENDED UNTIL COMPLETELY EXTINGUISHED.

SEC. 16-25. PROHIBITED BURNING

THE BURNING OF HOUSEHOLD TRASH, HAZARDOUS MATERIALS, TREATED WOOD, PLASTICS, OR RUBBER IS PROHIBITED. ALL OPEN BURNING PERMITS ARE AUTOMATICALLY SUSPENDED WHENEVER WORCESTER COUNTY OR THE STATE OF MARYLAND DECLARES A BURN BAN.

SEC. 16-26. FEES.

THE FEES FOR ALL PERMITS ISSUED UNDER THIS CHAPTER SHALL BE IN ACCORDANCE WITH A FEE SCHEDULE ADOPTED BY RESOLUTION OF THE MAYOR AND COUNCIL, OR AS SUCH SCHEDULE SHALL BE AMENDED FROM TIME TO TIME.

SEC. 16-27. ENFORCEMENT AND PENALTIES

ANY PERSON WHO SHALL VIOLATE ANY PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SHALL BE SUBJECT TO A FINE IN THE AMOUNT OF \$100.00 FOR ANY SINGLE OR INITIAL INFRACTION AND A FINE IN THE AMOUNT OF \$200.00 FOR EACH REPEAT OR CONTINUING VIOLATION.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2026, 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 _____, 2026, by the Mayor and Council of the Town of Berlin, Maryland, by the vote as indicated below:

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

Dean Burrell Sr., Vice President of the Council

This Ordinance was approved this _____ day of _____, 2026 by the Mayor of the Town of Berlin and is effective at the start of the 2027 Fiscal Year on July 1, 2026.

Zackery Tyndall, Mayor, President of the Council

ATTEST:

Mary Bohlen, Town Administrator



STAFF REPORT

TO: Mayor and Council

FROM: Mary Bohlen, Town Administrator

MEETING DATE: August 10, 2026

SUBJECT: Sidewalk Cost-Share Program – Updated from July 27

SUMMARY

Following the discussion at the July 27 Mayor and Council Meeting, several updates were made to the Ordinance and Request form being presented for approval at this evening's meeting.

ORDINANCE

Summary of changes from First Reading:

Section 28-17(1)(b) and -172(b): Change masculine to neutral

Section 28-171(b)(2): Updated language per discussion regarding timing.

Section 28-174(a)(5); (b)(1)(D); and (2)(D) Repairs requested by owner: Language changes to address payment of permit fee.

NOTE: The Code/Ordinance does not reference or differentiate between residential or commercial as discussed on July 27, 2026, therefore no language needed to address.

PROGRAM REQUEST FORM

The request form has been updated to remove language differentiating between commercial and residential properties and to reflect that the permit fee is to be waived.

Recommendation for August 10, 2026 Meeting and Public Hearing:

As noted in the previous staff report, and assuming passage at the Public Hearing on August 10th, the Ordinance would not be effective until 20 days after passage, or August 31, 2026. However, applications can begin to be accepted immediately, with the caveat that no action can be taken until that time. As discussed and noted, applications will be on a first-come-first-served basis.

ATTACHMENTS

Ordinance 2026-05 as amended

Motion 2026-46 approving Sidewalk Cost Sharing Program/Request form

Sidewalk Cost Sharing Program Form as amended



ORDINANCE NO. 2026-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CERTAIN SECTIONS OF CHAPTER 28, STREETS, SIDEWALKS, AND CERTAIN OTHER PUBLIC PLACES.

BE IT RESOLVED, that Chapter 28 be amended as follows:

ARTICLE V. - CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND DRIVEWAYS

Sec. 28-170. - Violations and penalties.

(a) Any person who shall violate any provisions of this article shall be guilty of a municipal infraction and shall be fined the sum of \$100.00 for any single initial violation and the sum of \$200.00 for each repeat or continuing violation DAY OF FAILURE TO COMPLY WITH SUCH PROVISION.

Sec. 28-171. - Repairs ordered by town.

(a) Whenever it is brought to the attention of the code enforcement officer of the town that a sidewalk, driveway, apron or adjoining sod or a portion thereof abutting any property, private or public, may be in unsatisfactory condition, the code enforcement officer shall conduct an inspection to determine if the condition of that sidewalk, driveway, apron or sod presents a hazard to the public safety or an obstruction to public passage.

(b) If it is determined by the code enforcement officer that said sidewalk, driveway, apron or sod or any portion thereof is in an unsafe, dangerous or hazardous condition, ~~he~~ **THEY** shall serve notice to the owner of the property abutting the sidewalk, driveway, apron or sod or portion thereof that is in an unsafe condition that such a condition exists. Such notice shall contain, at minimum, the following information:

Commented [MB1]: Oversight on my part - change masculine to neutral.

(1) A description of the unsafe, hazardous or dangerous condition found to exist, including, without limitation, a copy of the field inspection report.

(2) A time limit specified for the correction of ~~OR PROCUREMENT OF SERVICES TO ADDRESS~~ the hazardous condition, which shall be a minimum of ~~20- FORTY-FIVE (45)~~ calendar days for the most dangerous conditions and a maximum of ~~60- NINETY (90)~~ days for any other conditions ~~OR AS DETERMINED BY THE PLANNING DIRECTOR UP TO A MAXIMUM OF 12- MONTHS, deemed by the code enforcement officer to be not an immediate or extreme hazard to the safety of the public.~~

Formatted: All caps

(3) An explanation of the owner's right to appeal the citation NOTICE to the housing board of review PURSUANT TO THE PROVISIONS OF ARTICLE V OF CHAPTER 6, HOUSING STANDARDS within ten calendar days from the date of the citation NOTICE and the procedure for filing such an appeal.

(c) Such notice shall be served by hand delivery to the owner or his agent or by certified REGULAR mail, return receipt requested, to the last known address of the property owner or agent AS RECORDED IN THE REAL ESTATE ASSESSMENT RECORDS AND BY POSTING A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY.

Sec. 28-172. - New sidewalks for public safety.

(a) Whenever it is brought to the attention of the code enforcement officer of the town that property abutting on any public way in the town is in need of a sidewalk to protect the public health, safety and welfare of the town, the code enforcement officer shall conduct an inspection to determine if a sidewalk is necessary.

(b) If it is determined by the code enforcement officer that a sidewalk is necessary, ~~he~~ **THEY** shall serve notice to the owner of the property that a sidewalk needs to be constructed. Such notice shall contain, at minimum, the following information:

- (1) A description of the area and location of the sidewalk.
- (2) A time limit specified for the construction of the sidewalk which shall be for a minimum of 120 days.
- (3) An explanation of the owner's right to appeal the decision to the housing board of review within ten calendar days from the date of the notice and the procedure for filing such an appeal.

(c) Such notice shall be served ~~by hand delivery~~ to the owner or his agent ~~or by certified mail, return receipt requested~~ to the last known address of the property owner or agent AS RECORDED IN THE REAL ESTATE ASSESSMENT RECORDS AND BY POSTING A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY.

Sec. 28-173. - Enforcement procedures.

(a) In the event that a property owner has failed to correct the hazardous condition or to construct a sidewalk and failed to file an appeal with the housing board of review within the time limit specified in the notice, the code enforcement officer may order the construction of a sidewalk, repair or replacement of the hazardous sidewalk, driveway, apron or sod or portion thereof that is in an unsafe condition and shall proceed to obtain cost estimates AND ENGAGE WITH AN APPROPRIATE THIRD-PARTY CONTRACTOR for the work so ordered in the manner prescribed by the town's usual purchasing policy and practices.

~~(b) The code enforcement officer shall present the quoted prices to the town administrator for review within ten days of the expiration of the property owner's notice period. Cost estimates in excess of \$1,000.00 must be presented to the council in a regular meeting for approval before award of any contract, as specified in section C7-23 of the Town Charter. Contractor proposals with costs of less than \$1,000.00 may be accepted by the town administrator and the work may be ordered immediately. All contracting and service procurements are subject to the same rules and regulations as govern all other town activities, as specified in section C7-23 of the Charter.~~

~~—(c)(b) Upon COMPLETION OF THE WORK AND receipt of a valid invoice from the contractor, and after having inspected the premises and verifying that the work is acceptable to the town AND MEETS TOWN STANDARDS the code enforcement officer will present the invoice to the town administrator THROUGH THE APPROPRIATE TOWN PROCEDURES for payment to the contractor. Concurrent with the final payment to the contractor, 50 percent of the total expense incurred for the resulting construction, repair or replacement, plus permit fees AND ANY OTHER ASSOCIATED COSTS shall be billed to the owner in the same manner and under the same collection procedures as are used for grass cutting and refuse collection OTHER CODE-ENFORCEMENT RELATED BILLING on private property. The town shall absorb the remaining 50 percent of the total costs incurred (excluding permit fees).~~

Commented [MB2]: As noted on the 27th, this section applies to non-compliance and is for enforcement, therefore permit fees should not be waived.

~~—(d)(c) In the event that the charges incurred have not been paid by the beginning of the town's next regular fiscal year, those charges will be charged against the property and added to the taxes owed on that property for the next taxable levy year and shall constitute a lien on the property. THE TOWN SHALL PROCEED WITH LEGAL ACTION TO COLLECT THE AMOUNT OWED TO THE FULLEST EXTENT OF THE LAW.~~

~~Sec. 28-174. Repairs requested by owner.~~

~~(a) Property owners who desire to repair or replace their own sidewalks or portion thereof may request the town's participation in the repair or replacement by either of the following means:~~

~~(1) Secure contractor's services privately and submit paid invoices upon completion of the work, whereupon the town will reimburse the property owner for 50 percent of the total cost (excluding permit fees). Contract estimates must be approved by the town prior to the commencement of work. The town reserves the right to refuse payment of its 50 percent of total costs if invoices are submitted for payment without such other prior approval.~~

~~(2) Request that the town secure contractor's price quotations in the course of procuring similar services for the town itself, whereupon, the town will forward those estimates to the owner for review. Upon written acceptance of a proposal by the owner, the town will proceed with the necessary contract work and will bill the owner for 50 percent of the total costs plus permit fees.~~

~~(3) Request that the town include the replacement or repair of his property's sidewalk or portion thereof during the course of a town project currently planned or underway at the time of the request. In the event that an owner elects this option, it is specifically understood that the project work will be performed by the contractor chosen by the town for the ancillary project planned or underway and that the owner will not participate in the selection of that contractor. The town will, however, provide the owner electing this option with an estimate of the cost of his replacement or repair, based on the unit price quoted by the contractor performing the town's work. The town will bill the owner for 50 percent of the total costs plus permit fees associated with his property's sidewalk upon completion of the project.~~

~~(b) Subsection (a) of this section shall apply only if moneys are available in the town's budget.~~

~~(c) This section shall not be construed to include the construction of a new sidewalk at the request of an owner.~~

~~Sec. 28-174. – PARTICIPATION IN A COST-SHARE PROGRAM FOR REPAIRS REQUESTED BY OWNER.~~

~~(a) PROPERTY OWNERS WHO DESIRE TO REPAIR OR REPLACE THEIR OWN SIDEWALKS OR PORTION THEREOF MAY REQUEST TO PARTICIPATE IN A COST-SHARE PROGRAM AS FOLLOWS:~~

~~(1) THE COST-SHARE PROGRAM SHALL APPLY ONLY IF FUNDING IS ALLOCATED AND AVAILABLE IN THE APPLICABLE FISCAL YEAR BUDGET.~~

~~(2) THE PROPERTY OWNER MUST NOT HAVE ANY OTHER OUTSTANDING CODE ENFORCEMENT MATTERS WITH THE TOWN OF BERLIN.~~

(3) THE PROPERTY OWNER MUST BE CURRENT ON ANY ACCOUNTS OR BILLS WITH THE TOWN OF BERLIN, INCLUDING UTILITIES, MISCELLANEOUS ACCOUNTS RECEIVABLE, FINES OR PENALTIES OR ANY OTHER OUTSTANDING MATTER, INCLUDING REAL OR PERSONAL PROPERTY TAXES WHETHER BILLED DIRECTLY BY THE TOWN OF BERLIN OR THROUGH A THIRD-PARTY ON BEHALF OF THE TOWN.

(4) THE PROPERTY OWNER OR AGENT MUST SUBMIT APPLICATION ON THE PRESCRIBED FORM TO THE TOWN ADMINISTRATOR TO REQUEST PARTICIPATION IN THE COST-SHARE PROGRAM FOR SAID REPAIRS. SUCH APPLICATION IS SUBJECT TO APPROVAL AND THE AVAILABILITY OF BUDGETED FUNDS.

(5) SUBMISSION TO THE APPROPRIATE DEPARTMENT FOR ANY REQUIRED PERMIT ~~AND PAYMENT OF ANY ASSOCIATED FEES. IF PARTICIPATING IN THE COST-SHARE PROGRAM, THE PERMIT FEE SHALL BE WAIVED.~~

(6) THIS SECTION IS APPLICABLE FOR REPAIR OR REPLACEMENT OF EXISTING SIDEWALK DETERMINED TO BE IN HAZARDOUS CONDITION AND SHALL NOT BE CONSTRUED TO INCLUDE THE CONSTRUCTION OF A NEW SIDEWALK WHERE NONE EXISTS.

(b) PARTICIPATION IN THE COST-SHARE PROGRAM SHALL BE BY EITHER OF THE FOLLOWING MEANS:

(1) COMPLETION BY THE OWNER OR BY A CONTRACTOR/EMPLOYEE OF THE OWNER.

(A) PRIOR TO COMPLETION OF THE WORK BY THE OWNER OR THE OWNER'S AGENT, APPLY FOR APPROVAL FOR FUNDING REIMBURSEMENT FROM THE TOWN THROUGH A PRESCRIBED AND ACCEPTABLE PROCESS.

(B) SECURE AN APPROPRIATELY LICENSED CONTRACTOR'S SERVICES PRIVATELY AND SUBMIT INVOICES WITH PROOF OF PAYMENT UPON COMPLETION OF THE WORK.

(C) THE TOWN SHALL INSPECT AND VERIFY THAT THE WORK IS ACCEPTABLE TO THE TOWN AND MEETS TOWN STANDARDS.

(D) UPON APPROVAL OF THE COMPLETED WORK, THE TOWN WILL REIMBURSE THE PROPERTY OWNER FOR FIFTY-PERCENT (50%) OF THE TOTAL COST ~~EXCLUDING PERMIT FEES~~ AND TO A MAXIMUM AMOUNT AS DETERMINED BY THE MAYOR AND COUNCIL. THE TOWN RESERVES THE RIGHT TO REFUSE REIMBURSEMENT OF ITS PORTION OF TOTAL COSTS IF INVOICES ARE SUBMITTED FOR PAYMENT WITHOUT SUCH OTHER PRIOR APPROVAL.

(2) INCLUSION IN WORK UNDER A TOWN PROJECT.

(A) REQUEST THAT THE TOWN INCLUDE THE REPLACEMENT OR REPAIR OF THE PROPERTY'S SIDEWALK OR PORTION THEREOF DURING THE COURSE OF A TOWN PROJECT CURRENTLY PLANNED OR UNDERWAY AT THE TIME OF THE REQUEST.

(B) IN THE EVENT THAT AN OWNER ELECTS THIS OPTION, IT IS SPECIFICALLY UNDERSTOOD THAT THE PROJECT WORK WILL PERFORMED BY THE CONTRACTOR CHOSEN BY THE TOWN FOR THE ANCILLARY PROJECT PLANNED OR UNDERWAY AND THAT THE OWNER WILL NOT PARTICIPATE IN THE SELECTION OF THAT CONTRACTOR NOR HAVE DETERMINATION OF THE TIMING OF SUCH WORK.

(C) THE TOWN WILL PROVIDE THE OWNER ELECTING THIS OPTION WITH AN ESTIMATE OF THE COST OF THE APPLICABLE REPLACEMENT OR REPAIR, BASED ON THE UNIT PRICE QUOTED BY THE CONTRACTOR PERFORMING THE TOWN'S WORK AND THE OWNER WILL PROVIDE WRITTEN ACCEPTANCE OF SAID PROPOSAL.

(D) THE OWNER WILL PAY THE TOWN FIFTY-PERCENT (50%) OF THE ESTIMATED COST, ~~PLUS APPLICABLE PERMIT FEES.~~

(E) IN THE EVENT THAT THE FINAL COST FOR REPAIR/REPLACEMENT OF THE APPLICABLE SIDEWALK DIFFERS FROM THE ESTIMATE, THE TOWN SHALL REIMBURSE OR INVOICE THE OWNER THE DIFFERENCE TO MEET THE FIFTY-PERCENT (50%) COST. IF THE OWNER IS INVOICED FOR THE BALANCE AND SAID INVOICE IS NOT PAID WITHIN THE TIMEFRAME INDICATED, THE TOWN SHALL PROCEED WITH LEGAL ACTION TO COLLECT THE AMOUNT OWED TO THE FULLEST EXTENT OF THE LAW.

(3) THIS SECTION SHALL NOT BE CONSTRUED TO INCLUDE THE CONSTRUCTION OF A NEW SIDEWALK AT THE REQUEST OF AN OWNER.

(4) LACK OF THE ABILITY TO PARTICIPATE IN THE COST-SHARE PROGRAM IN A GIVEN BUDGET YEAR DOES NOT ALLEVIATE THE RESPONSIBILITY OF THE PROPERTY OWNER FOR ADHERENCE TO THE REQUIREMENTS OF THIS SECTION OF THE CODE OF THE TOWN, NOR OF THE FINANCIAL BURDEN OF SUCH.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2026, and thereafter a statement of the substance of the Ordinance having been published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this _____ day of _____, 2026, by the Mayor and Council of the Town of Berlin, Maryland, by the vote as indicated below:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP					
Steve Green					
Jay Knerr					
Shaneka Nichols					
Jack Orris					
Voting Tally					

Dean Burrell, Vice-President

Approved on this _____ day of _____, 2026 by the Mayor of the Town of Berlin and therefore effective twenty (20) calendar days later on the _____ day of _____, 2026.

Zackery Tyndall, Mayor and President of Council

ATTEST: Mary Bohlen, Town Administrator



ORDINANCE NO. 2026-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CERTAIN SECTIONS OF CHAPTER 28, STREETS, SIDEWALKS, AND CERTAIN OTHER PUBLIC PLACES.

BE IT RESOLVED, that Chapter 28 be amended as follows:

ARTICLE V. - CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND DRIVEWAYS

Sec. 28-170. - Violations and penalties.

(a) Any person who shall violate any provisions of this article shall be guilty of a municipal infraction and shall be fined the sum of \$100.00 for any single initial violation and the sum of \$200.00 for each repeat or continuing violation DAY OF FAILURE TO COMPLY WITH SUCH PROVISION.

Sec. 28-171. - Repairs ordered by town.

(a) Whenever it is brought to the attention of the code enforcement officer of the town that a sidewalk, driveway, apron or adjoining sod or a portion thereof abutting any property, private or public, may be in unsatisfactory condition, the code enforcement officer shall conduct an inspection to determine if the condition of that sidewalk, driveway, apron or sod presents a hazard to the public safety or an obstruction to public passage.

(b) If it is determined by the code enforcement officer that said sidewalk, driveway, apron or sod or any portion thereof is in an unsafe, dangerous or hazardous condition, he THEY shall serve notice to the owner of the property abutting the sidewalk, driveway, apron or sod or portion thereof that is in an unsafe condition that such a condition exists. Such notice shall contain, at minimum, the following information:

- (1) A description of the unsafe, hazardous or dangerous condition found to exist, including, without limitation, a copy of the field inspection report.
- (2) A time limit specified for the correction of OR PROCUREMENT OF SERVICES TO ADDRESS the hazardous condition, which shall be a minimum of 20 FORTY-FIVE (45) calendar days for the most dangerous conditions and a maximum of 60 NINETY (90) days for any other conditions OR AS DETERMINED BY THE PLANNING DIRECTOR UP TO A MAXIMUM OF 12-MONTHS deemed by the code enforcement officer to be not an immediate or extreme hazard to the safety of the public.
- (3) An explanation of the owner's right to appeal the citation NOTICE to the housing board of review PURSUANT TO THE PROVISIONS OF ARTICLE V OF CHAPTER 6, HOUSING STANDARDS within ten calendar days from the date of the citation NOTICE and the procedure for filing such an appeal.

(c) Such notice shall be served by hand delivery to the owner or his agent or by certified REGULAR mail, return receipt requested, to the last known address of the property owner or agent AS RECORDED IN THE REAL ESTATE ASSESSMENT RECORDS AND BY POSTING A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY.

Sec. 28-172. - New sidewalks for public safety.

(a) Whenever it is brought to the attention of the code enforcement officer of the town that property abutting on any public way in the town is in need of a sidewalk to protect the public health, safety and welfare of the town, the code enforcement officer shall conduct an inspection to determine if a sidewalk is necessary.

(b) If it is determined by the code enforcement officer that a sidewalk is necessary, he THEY shall serve notice to the owner of the property that a sidewalk needs to be constructed. Such notice shall contain, at minimum, the following information:

- (1) A description of the area and location of the sidewalk.
- (2) A time limit specified for the construction of the sidewalk which shall be for a minimum of 120 days.
- (3) An explanation of the owner's right to appeal the decision to the housing board of review within ten calendar days from the date of the notice and the procedure for filing such an appeal.

(c) Such notice shall be served ~~by hand delivery~~ to the owner or his agent ~~or by certified~~ REGULAR mail, ~~return receipt requested~~, to the last known address of the property owner or agent AS RECORDED IN THE REAL ESTATE ASSESSMENT RECORDS AND BY POSTING A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE PROPERTY.

Sec. 28-173. - Enforcement procedures.

(a) In the event that a property owner has failed to correct the hazardous condition or to construct a sidewalk and failed to file an appeal with the housing board of review within the time limit specified in the notice, the code enforcement officer may order the construction of a sidewalk, repair or replacement of the hazardous sidewalk, driveway, apron or sod or portion thereof that is in an unsafe condition and shall proceed to obtain cost estimates AND ENGAGE WITH AN APPROPRIATE THIRD-PARTY CONTRACTOR for the work so ordered in the manner prescribed by the town's usual purchasing policy and practices.

~~(b) The code enforcement officer shall present the quoted prices to the town administrator for review within ten days of the expiration of the property owner's notice period. Cost estimates in excess of \$1,000.00 must be presented to the council in a regular meeting for approval before award of any contract, as specified in section C7-23 of the Town Charter. Contractor proposals with costs of less than \$1,000.00 may be accepted by the town administrator and the work may be ordered immediately. All contracting and service procurements are subject to the same rules and regulations as govern all other town activities, as specified in section C7-23 of the Charter.~~

~~—(c)(b) Upon COMPLETION OF THE WORK AND receipt of a valid invoice from the contractor, and after having inspected the premises and verifying that the work is acceptable to the town AND MEETS TOWN STANDARDS the code enforcement officer will present the invoice to the town administrator THROUGH THE APPROPRIATE TOWN PROCEDURES for payment to the contractor. Concurrent with the final payment to the contractor, 50 percent of the total expense incurred for the resulting construction, repair or replacement, plus permit fees AND ANY OTHER ASSOCIATED COSTS shall be billed to the owner in the same manner and under the same collection procedures as are used for grass cutting and refuse collection OTHER CODE-ENFORCEMENT RELATED BILLING on private property. The town shall absorb the remaining 50 percent of the total costs incurred (excluding permit fees).~~

~~—(d)(c) In the event that the charges incurred have not been paid by the beginning of the town's next regular fiscal year, those charges will be charged against the property and added to the taxes owed on that property for the next taxable levy year and shall constitute a lien on the property THE TOWN SHALL PROCEED WITH LEGAL ACTION TO COLLECT THE AMOUNT OWED TO THE FULLEST EXTENT OF THE LAW.~~

~~Sec. 28-174. Repairs requested by owner.~~

~~(a) Property owners who desire to repair or replace their own sidewalks or portion thereof may request the town's participation in the repair or replacement by either of the following means:~~

~~(1) Secure contractor's services privately and submit paid invoices upon completion of the work, whereupon the town will reimburse the property owner for 50 percent of the total cost (excluding permit fees). Contract estimates must be approved by the town prior to the commencement of work. The town reserves the right to refuse payment of its 50 percent of total costs if invoices are submitted for payment without such other prior approval.~~

~~(2) Request that the town secure contractor's price quotations in the course of procuring similar services for the town itself, whereupon, the town will forward those estimates to the owner for review. Upon written acceptance of a proposal by the owner, the town will proceed with the necessary contract work and will bill the owner for 50 percent of the total costs plus permit fees.~~

~~(3) Request that the town include the replacement or repair of his property's sidewalk or portion thereof during the course of a town project currently planned or underway at the time of the request. In the event that an owner elects this option, it is specifically understood that the project work will be performed by the contractor chosen by the town for the ancillary project planned or underway and that the owner will not participate in the selection of that contractor. The town will, however, provide the owner electing this option with an estimate of the cost of his replacement or repair, based on the unit price quoted by the contractor performing the town's work. The town will bill the owner for 50 percent of the total costs plus permit fees associated with his property's sidewalk upon completion of the project.~~

~~(b) Subsection (a) of this section shall apply only if moneys are available in the town's budget.~~

~~(c) This section shall not be construed to include the construction of a new sidewalk at the request of an owner.~~

~~Sec. 28-174. – PARTICIPATION IN A COST-SHARE PROGRAM FOR REPAIRS REQUESTED BY OWNER.~~

~~(a) PROPERTY OWNERS WHO DESIRE TO REPAIR OR REPLACE THEIR OWN SIDEWALKS OR PORTION THEREOF MAY REQUEST TO PARTICIPATE IN A COST-SHARE PROGRAM AS FOLLOWS:~~

~~(1) THE COST-SHARE PROGRAM SHALL APPLY ONLY IF FUNDING IS ALLOCATED AND AVAILABLE IN THE APPLICABLE FISCAL YEAR BUDGET.~~

~~(2) THE PROPERTY OWNER MUST NOT HAVE ANY OTHER OUTSTANDING CODE ENFORCEMENT MATTERS WITH THE TOWN OF BERLIN.~~

(3) THE PROPERTY OWNER MUST BE CURRENT ON ANY ACCOUNTS OR BILLS WITH THE TOWN OF BERLIN, INCLUDING UTILITIES, MISCELLANEOUS ACCOUNTS RECEIVABLE, FINES OR PENALTIES OR ANY OTHER OUTSTANDING MATTER, INCLUDING REAL OR PERSONAL PROPERTY TAXES WHETHER BILLED DIRECTLY BY THE TOWN OF BERLIN OR THROUGH A THIRD-PARTY ON BEHALF OF THE TOWN.

(4) THE PROPERTY OWNER OR AGENT MUST SUBMIT APPLICATION ON THE PRESCRIBED FORM TO THE TOWN ADMINISTRATOR TO REQUEST PARTICIPATION IN THE COST-SHARE PROGRAM FOR SAID REPAIRS. SUCH APPLICATION IS SUBJECT TO APPROVAL AND THE AVAILABILITY OF BUDGETED FUNDS.

(5) SUBMISSION TO THE APPROPRIATE DEPARTMENT FOR ANY REQUIRED PERMIT. IF PARTICIPATING IN THE COST-SHARE PROGRAM, THE PERMIT FEE SHALL BE WAIVED.

(6) THIS SECTION IS APPLICABLE FOR REPAIR OR REPLACEMENT OF EXISTING SIDEWALK DETERMINED TO BE IN HAZARDOUS CONDITION AND SHALL NOT BE CONSTRUED TO INCLUDE THE CONSTRUCTION OF A NEW SIDEWALK WHERE NONE EXISTS.

(b) PARTICIPATION IN THE COST-SHARE PROGRAM SHALL BE BY EITHER OF THE FOLLOWING MEANS:

(1) COMPLETION BY THE OWNER OR BY A CONTRACTOR/EMPLOYEE OF THE OWNER.

(A) PRIOR TO COMPLETION OF THE WORK BY THE OWNER OR THE OWNER'S AGENT, APPLY FOR APPROVAL FOR FUNDING REIMBURSEMENT FROM THE TOWN THROUGH A PRESCRIBED AND ACCEPTABLE PROCESS.

(B) SECURE AN APPROPRIATELY LICENSED CONTRACTOR'S SERVICES PRIVATELY AND SUBMIT INVOICES WITH PROOF OF PAYMENT UPON COMPLETION OF THE WORK.

(C) THE TOWN SHALL INSPECT AND VERIFY THAT THE WORK IS ACCEPTABLE TO THE TOWN AND MEETS TOWN STANDARDS.

(D) UPON APPROVAL OF THE COMPLETED WORK, THE TOWN WILL REIMBURSE THE PROPERTY OWNER FOR FIFTY-PERCENT (50%) OF THE TOTAL COST AND TO A MAXIMUM AMOUNT AS DETERMINED BY THE MAYOR AND COUNCIL. THE TOWN RESERVES THE RIGHT TO REFUSE REIMBURSEMENT OF ITS PORTION OF TOTAL COSTS IF INVOICES ARE SUBMITTED FOR PAYMENT WITHOUT SUCH OTHER PRIOR APPROVAL.

(2) INCLUSION IN WORK UNDER A TOWN PROJECT.

(A) REQUEST THAT THE TOWN INCLUDE THE REPLACEMENT OR REPAIR OF THE PROPERTY'S SIDEWALK OR PORTION THEREOF DURING THE COURSE OF A TOWN PROJECT CURRENTLY PLANNED OR UNDERWAY AT THE TIME OF THE REQUEST.

(B) IN THE EVENT THAT AN OWNER ELECTS THIS OPTION, IT IS SPECIFICALLY UNDERSTOOD THAT THE PROJECT WORK WILL PERFORMED BY THE CONTRACTOR CHOSEN BY THE TOWN FOR THE ANCILLARY PROJECT PLANNED OR UNDERWAY AND THAT THE OWNER WILL NOT PARTICIPATE IN THE SELECTION OF THAT CONTRACTOR NOR HAVE DETERMINATION OF THE TIMING OF SUCH WORK.

(C) THE TOWN WILL PROVIDE THE OWNER ELECTING THIS OPTION WITH AN ESTIMATE OF THE COST OF THE APPLICABLE REPLACEMENT OR REPAIR, BASED ON THE UNIT PRICE QUOTED BY THE CONTRACTOR PERFORMING THE TOWN'S WORK AND THE OWNER WILL PROVIDE WRITTEN ACCEPTANCE OF SAID PROPOSAL.

(D) THE OWNER WILL PAY THE TOWN FIFTY-PERCENT (50%) OF THE ESTIMATED COST.

(E) IN THE EVENT THAT THE FINAL COST FOR REPAIR/REPLACEMENT OF THE APPLICABLE SIDEWALK DIFFERS FROM THE ESTIMATE, THE TOWN SHALL REIMBURSE OR INVOICE THE OWNER THE DIFFERENCE TO MEET THE FIFTY-PERCENT (50%) COST. IF THE OWNER IS INVOICED FOR THE BALANCE AND SAID INVOICE IS NOT PAID WITHIN THE TIMEFRAME INDICATED, THE TOWN SHALL PROCEED WITH LEGAL ACTION TO COLLECT THE AMOUNT OWED TO THE FULLEST EXTENT OF THE LAW.

(3) THIS SECTION SHALL NOT BE CONSTRUED TO INCLUDE THE CONSTRUCTION OF A NEW SIDEWALK AT THE REQUEST OF AN OWNER.

(4) LACK OF THE ABILITY TO PARTICIPATE IN THE COST-SHARE PROGRAM IN A GIVEN BUDGET YEAR DOES NOT ALLEVIATE THE RESPONSIBILITY OF THE PROPERTY OWNER FOR ADHERENCE TO THE REQUIREMENTS OF THIS SECTION OF THE CODE OF THE TOWN, NOR OF THE FINANCIAL BURDEN OF SUCH.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2026, and thereafter a statement of the substance of the Ordinance having been published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this _____ day of _____, 2026, by the Mayor and Council of the Town of Berlin, Maryland, by the vote as indicated below:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Dean Burrell, VP					
Steve Green					
Jay Knerr					
Shaneka Nichols					
Jack Orris					
Voting Tally					

Dean Burrell, Vice-President

Approved on this _____ day of _____, 2026 by the Mayor of the Town of Berlin and therefore effective twenty (20) calendar days later on the _____ day of _____, 2026.

Zackery Tyndall, Mayor and President of Council

ATTEST: Mary Bohlen, Town Administrator



MOTION OF THE MAYOR AND COUNCIL 2026-46

A motion of the Mayor and Council of the Town of Berlin APPROVING THE SIDEWALK COST SHARING PROGRAM/REQUEST FORM AS ATTACHED.

APPROVED this ____ day of _____, 2026, by the Council of the Town of Berlin, Maryland, by the vote as indicated below:

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

Dean Burrell, Sr. Vice President of the Council

Approved this ____ day of _____, 2026, by the Mayor of the Town of Berlin.

Zack Tyndall, Mayor, President of the Council

Attest: _____
Mary Bohlen, Town Administrator



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov

SIDEWALK COST SHARING PROGRAM

Property Owner Information:			
Name:			
Phone Number:		Email:	
Property Address:			☐ Residential ☐ Commercial/Non-Residential
Owner Address (if different than above):			

Pursuant to Chapter 28, Article V of the Code of the Town of Berlin, maintenance and repair of sidewalks abutting to private property is the responsibility of the property owner. The Town offers a cost-sharing program for the repair and replacement of such sidewalks subject to budget appropriation in a given year.

If you would like to be considered for the Cost Sharing Program, please complete the application below. Applications must be submitted no later than April 30 annually.

The Cost-Sharing program is subject to the following conditions:

1. The Mayor and Council have allocated a set portion of the Fiscal Year budget for this program.
2. Cost-Sharing is limited to an amount not to exceed 50% of the cost of the work up to a maximum of \$1,000, ~~excluding permit fees per applicant.~~
3. Availability for participation is on a first-come, first-served basis and subject to the approval of appropriate Town Departments and the Town Administrator.
4. The Mayor and Council reserves the right to terminate the program at any time and re-allocate available funding, regardless of applications that may be outstanding.
5. The Town of Berlin is not a party to any agreements made between the property owner and a private contractor for the completion of any associated work, or any warranty or guarantee of such work.
6. Participation in the Cost-Sharing Program does not relieve the property owner of responsibility for any associated or separate provisions of the property maintenance codes of the Town of Berlin, including for portions of sidewalk not funded under the program.
7. By signing below, the property owner agrees to the specific conditions applicable to this agreement and further described below and in Chapter 28, Article V of the Code of the Town of Berlin:

☐ **Trees/tree roots:** The owner acknowledges that an existing tree(s) is/are planted within five-feet (5') of the sidewalk. Such tree shall be removed by the owner fully at their expense within thirty-days of approval for participation in this cost-share program and the owner shall agree to not plant or replant any trees within 5 feet of the repaired section of sidewalk. Failure to remove the tree by [Date] _____ shall be considered a withdrawal of this application.

☐ **Other:**

Additional Information:

Approx. sq. footage of sidewalk to be repaired: _____

Signature indicates understanding of the terms of the program:

Date:

This area for office use only

Dept.	None	Attached
Utility Billing		
Finance		
Planning		
Taxes (inc. Wor. County)		
Planning		
Other		

Project to be completed:☐ By owner☐ Part of Town Project: _____**Permitting:**Application date: _____ Fee ~~Paid: \$~~ _____ ~~Waived~~

Permit Number: _____

Issue Date: _____

Inspection/Acceptance:

Inspection performed by: _____ Date: _____

Approved: ☐ Yes ☐ No Inspection Notes: _____**Approval for Reimbursement:**

Signed: _____

Submitted for Reimbursement:

Date: _____ Account Number: _____

Attach print-out.

Attach pictures/drawings, etc. of the subject project, contractor agreement(s), invoices, etc.



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov

SIDEWALK COST SHARING PROGRAM

Property Owner Information:			
Name:			
Phone Number:		Email:	
Property Address:			
Owner Address (if different than above):			

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The Cost-Sharing program is subject to the following conditions:

1. The Mayor and Council have allocated a set portion of the Fiscal Year budget for this program.
2. Cost-Sharing is limited to an amount not to exceed 50% of the cost of the work up to a maximum of \$1,000.
3. Availability for participation is on a first-come, first-served basis and subject to the approval of appropriate Town Departments and the Town Administrator.
4. The Mayor and Council reserves the right to terminate the program at any time and re-allocate available funding, regardless of applications that may be outstanding.
5. The Town of Berlin is not a party to any agreements made between the property owner and a private contractor for the completion of any associated work, or any warranty or guarantee of such work.
6. Participation in the Cost-Sharing Program does not relieve the property owner of responsibility for any associated or separate provisions of the property maintenance codes of the Town of Berlin, including for portions of sidewalk not funded under the program.
7. By signing below, the property owner agrees to the specific conditions applicable to this agreement and further described below and in Chapter 28, Article V of the Code of the Town of Berlin:

☐ **Trees/tree roots:** The owner acknowledges that an existing tree(s) is/are planted within five-feet (5') of the sidewalk. Such tree shall be removed by the owner fully at their expense within thirty-days of approval for participation in this cost-share program and the owner shall agree to not plant or replant any trees within 5 feet of the repaired section of sidewalk. Failure to remove the tree by [Date] _____ shall be considered a withdrawal of this application.

☐ **Other:**

Continues on reverse

Additional Information:

Approx. sq. footage of sidewalk to be repaired: _____

Signature indicates understanding of the terms of the program:

Date:

This area for office use only

Dept.	None	Attached
Utility Billing		
Finance		
Planning		
Taxes (inc. Wor. County)		
Planning		
Other		

Project to be completed:☐ By owner☐ Part of Town Project: _____**Permitting:**

Application date: _____ Fee Waived

Permit Number: _____

Issue Date: _____

Inspection/Acceptance:

Inspection performed by: _____ Date: _____

Approved: ☐ Yes ☐ No Inspection Notes: _____**Approval for Reimbursement:**

Signed: _____

Submitted for Reimbursement:

Date: _____ Account Number: _____

Attach print-out.

Attach pictures/drawings, etc. of the subject project, contractor agreement(s), invoices, etc.



MOTION OF THE MAYOR AND COUNCIL 2026-47

A motion of the Mayor and Council of the Town of Berlin APPROVING THE REQUEST FOR PROPOSALS 2026-07 BOTTLE BRANCH SEWER LINING.

This project is budgeted at \$300,000 for FY27 under 24-5810-5255.

APPROVED this ____ day of _____, 2026, by the Council of the Town of Berlin, Maryland, by the vote as indicated below:

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

Dean Burrell, Sr. Vice President of the Council

Approved this ____ day of _____, 2026, by the Mayor of the Town of Berlin.

Zack Tyndall, Mayor, President of the Council

Attest: _____
Mary Bohlen, Town Administrator

RFP #2026-07 Bottle Branch Road Sewer Lining

ADVERTISEMENT

TOWN OF BERLIN
REQUEST FOR PROPOSALS
RFP # 2026-07
BOTTLE BRANCH ROAD SEWER LINING

Due Date: September 3, 2026

Time: 2:00 pm EST

The Town of Berlin is seeking Proposals for the rehabilitation of 9 sanitary sewer manholes, and the installation of approximately 1,975 LF of 15" UV CIPP Liner along Bottle Branch Road, Berlin MD. This project is funded solely by the Town of Berlin. Disadvantaged, Minority, and Women owned businesses are encouraged to apply.

Qualified contractors are encouraged to visit the Town of Berlin website at berlinmd.gov/government/request-for-proposals/ or contact Director of Water Resources Jamey Latchum at 410-641-3845/ jlatchum@berlinmd.gov for the official RFP.

Project plans and specifications are available for purchase through Davis, Bowen & Friedel Inc. Interested bidders are encouraged to contact Davis, Bowen & Friedel Inc, by phone at 410-543-9091 or by email at nsb@dbfinc.com.



RFP #2026-07 Bottle Branch Road Sewer Lining

GENERAL INFORMATION

NOTICE: Notice is hereby given that proposals will be received by the Town of Berlin, Maryland for the completion of work described herein, by submitting to the Town by the date and time and at the location as indicated herein.

RFP # 2026-07
Bottle Branch Road Sewer Lining
Due Date: September 3, 2026
Time: 2:00 pm EST

Deliver submittals to:
Mary Bohlen, Town Manager
Town of Berlin
14 William St.
Berlin, MD. 21811
Attn: RFP #2026-07

The Town of Berlin (the "Town") is seeking Contractor ("Bidder") proposals for the Bottle Branch Road Sewer Lining project. This project consists of the rehabilitation of 9 sanitary sewer manholes, and the installation of approximately 1,975 LF of 15" UV CIPP Liner along Bottle Branch Road, Berlin MD. All work is located along Bottle Branch Road, Berlin, Maryland 21811. Proposals must be submitted to the address above, by the date and time, and in the format indicated herein.

This project is funded solely by the Town of Berlin.

It is the responsibility of potential bidders to thoroughly review this Request for Proposal and the Contract Documents and ensure their full understanding of the same.

Proposals received after the due date/time will not be considered. Bidders accept all risks of late delivery of emailed, mailed, or shipped submittals regardless of fault.

The Town of Berlin reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This Request for Proposals ("RFP") does not obligate the Town to pay any costs incurred by bidders in the preparation and submission of their proposal. Furthermore, the RFP does not obligate the Town to accept or contract for any expressed or implied services.

It is the Town of Berlin's policy to assure that no person shall, on the grounds of race, color, religion, sex or national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against.

The Town is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality, disability, or sexual orientation. The successful bidder ("Contractor") must comply with the Town of Berlin's equal opportunity requirements.



RFP #2026-07 Bottle Branch Road Sewer Lining

ABOUT BERLIN: The Town of Berlin is a community of approximately 5,000 people located on Maryland's eastern shore. The Town operates under a Strong Mayor form of government. Berlin provides the following services to the community's residents: police, public works, parks, water, wastewater, stormwater, electricity, economic development, planning, code enforcement, engineering (under contract), and general administration. The Town operates on a one-year budget cycle from July 1 through June 30.

A. SCOPE OF SERVICES

The Town of Berlin seeks to enter into a contract with a qualified Contractor for the rehabilitation of 9 sanitary sewer manholes, and the installation of approximately 1,975 LF of 15" UV CIPP Liner, and all ancillary work.

All work shall be performed in accordance with the Contract Documents, including this RFP, Drawings, Technical Specifications, and the applicable general requirements of the *Town of Berlin Design and Construction Standards for Water, Sewer, and Roadway Systems*.

B. SPECIFICATIONS

1. Refer to the Project Specifications, available for purchase from Davis, Bowen, & Friedel Inc. For additional information please contact Nick Bradley at nsb@dbfinc.com.



RFP #2026-07 Bottle Branch Road Sewer Lining

C. MINIMUM REQUIREMENTS

1. Work shall be started within 30 calendar days of Notice to Proceed).
2. Contract Time: Work shall be completed within 60 calendar days of start date. Liquidated Damages of \$500.00 per day shall be charged to the Contractor to cover cost overruns beyond the Contract Time.
3. Contractor is responsible for, at a minimum:
 - a. Notification of appropriate agencies as required by regulations prior to start of work.
 - b. Complete traffic control as required, including applying for and obtaining a MDSHA Traffic Control permit and any associated permit fees.
 - c. Sewer services shall remain in service for the duration of the project with minimal temporary interruptions. Services shall be reinstated by the end of each work day.
 - d. Arrangements for staging of equipment and materials; the Town of Berlin shall assist in determining suitable locations, however, if non-Town owned property is used for staging, it shall be the full responsibility of the contractor to enter into any agreement(s) with property owners, including negotiation and any compensation required.
4. Contractor shall ensure that personnel working on site shall be appropriately supervised to ensure the completion of duties per the contract.
5. Contractor and their personnel shall conduct themselves in a professional manner and shall take reasonable care to ensure the safety and comfort of residents and visitors to the Town.
6. Contractor shall take reasonable care to ensure the cleanliness of the streets, sidewalks, parking areas and other affected areas during deliveries.
7. Workday hours shall begin no earlier than 8:00 AM and shall end no later than 4:00 PM, including set-up and clean-up, Monday through Friday, excluding scheduled holidays. Work outside the hours indicated above shall be done only with the express permission of the Town.
8. All work shall comply with the Code of the [Town of Berlin, Article III Noise, §14-43\(4\)](#).
9. A two-year warranty is required for all work performed within the project.
10. In addition to the section indicated above, Contractor shall adhere to all other applicable regulations of the Town of Berlin, State of Maryland and any other entity or agency with authority over projects of this nature.



RFP #2026-07 Bottle Branch Road Sewer Lining

D. CONTACT INFORMATION

Director of Water Resources, Jamey Latchum
Berlin Town Hall
10 William Street
Berlin, MD 21811
Phone: 410-641-3845
Email: jlatchum@berlinmd.gov

All questions and concerns must be submitted to Mr. Latchum jlatchum@berlinmd.gov and Nick Bradley nsb@dbfinc.com; information gathered from any other individual, including other employees of the Town unless specified by Mr. Latchum, may not be used in the preparation of this bid.

It is the responsibility of the bidder to make a full assessment of any factors which will influence the appropriate completion and final cost of the project.

E. MINIMUM REQUIREMENTS FOR CONTRACTORS

1. A minimum of five (5) years' experience with UV CIPP Lining of Sanitary Sewer, and Manhole Rehabilitation.
2. Appropriate licensure, certifications, permits required for completion of the project.

F. SUBMITTAL REQUIREMENTS

Dates and times applicable to RFP #2026-07 are on the following pages. Responses to RFP #2026-07 must include the following information:

1. Statement of all relevant licensure, certifications and qualifications as applicable for the completion of the project.
2. A minimum of three (3) references relating to the services being requested with full name, title, address, phone number, email; references from Maryland municipalities preferred.
3. The completed C410 Bid Form.
4. The completed Signature page as included in this RFP.
5. The completed List of Proposed subcontractors (if applicable) included in this RFP.
6. The completed C430 Bid Bond Penal Sum Form as included in the project specifications, and the associated bid bond documentation.
7. All additional documents and forms as listed under Article 2 of the C410 Bid Form.
8. Additionally, bidders are encouraged to submit a narrative describing the expectations for execution of the contract within the Town of Berlin to include:
 - Scheduling of work to include a general idea of progression of work.
 - An estimate of the number of personnel expected to be onsite at a given time.
 - Any specific needs the contractor anticipates.
 - Any other information the bidder feels is relevant for consideration.



RFP #2026-07 Bottle Branch Road Sewer Lining

9. Hard-copy and electronic-copy submittals will be accepted. Regardless of the delivery method, it is the responsibility of the bidder to ensure delivery by the deadline. Bid packages submitted electronically shall be emailed to both of the following email addresses; Mary Bohlen mbohlen@berlingmd.gov and Kate Daub kdaub@berlinmd.gov. The Town encourages double-sided printing where appropriate. Hard-copy submissions must be submitted in a sealed envelope addressed to;

Town of Berlin RFP #2026-07
Attn: M. Bohlen, Town Manager
14 South Main Street
Berlin, MD 21811

- **PROPRIETARY PROPOSAL MATERIAL:** Any proprietary information revealed in the proposal should be clearly identified as such.
- **SIGNATURES:** Proposal shall be signed by one of the legally authorized officers of said corporation. If awarded the contract, the Contract shall also be so executed.



RFP #2026-07 Bottle Branch Road Sewer Lining

G. DEADLINES AND IMPORTANT DATES:

Thursday August 20, 2026 at 2:00 pm EST – NON-MANDATORY Pre-Bid Meeting: Pre-bid Meeting shall be held aloud at the Berlin Police Department, 129 Decatur Street, Berlin, MD 21811 and will be followed by site visit(s) if requested.

Thursday, August 27, 2026 at 5:00 pm EST – Deadline to submit questions: Questions from potential Bidders are due via email to Jamey Latchum at jlatchum@berlinmd.gov and Nick Bradley at nsb@dbfinc.com. Please note: With the exception of questions asked during site visit(s), questions received after this deadline, and questions that are phoned, faxed, sent through regular mail, or submitted via any other method or to any other email address will not be accepted. Oral responses or responses to questions submitted in any other format or to any other person will be non-binding. Individual responses to questions will not be provided; all questions and answers will be compiled into one document to be posted as indicated below.

Monday, August 31, 2026 at 5:00 pm EST – Posting of responses: Responses to questions from potential Bidders will be posted at the following link by the deadline. It is the responsibility of potential Bidders to visit the website for this information <http://berlinmd.gov/government/request-for-proposals/>.

Thursday, September 3, 2026 at 2:00 pm EST – Due Date for Proposals: Proposals shall be submitted per the Submittal Requirements as indicated on the preceding page(s) and must be received by the deadline. A public bid open will be held at 2:30 pm, at which time proposals will be publicly opened and read aloud at the Berlin Police Department, 129 Decatur Street, Berlin, MD 21811. Proposals received after the due date and time of 2:00 pm will not be considered. Regardless of the delivery method, it is the responsibility of the bidder to ensure delivery by the deadline.

H. EVALUATION CRITERIA AND AWARD OF CONTRACT

The following shall be considered in evaluating submissions and awarding a contract:

- Experience of Contractor with similar projects.
- Information acquired from municipal references.
- Overall quality of proposal.
- Project understanding.
- Anticipated project cost.
- Anticipated project schedule.

The Town may select a limited number of bidders for in-person interviews before a selection committee.

The Town reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the Town to pay any costs incurred by bidders in the preparation and submission of their qualifications. Furthermore, the RFP does not obligate the Town to accept or contract for any expressed or implied services.

It is the practice of the Town to make award based on the lowest responsible bid. The Town reserves the right to accept or reject any and all submissions and the right to award contract based on factors other than cost.



RFP #2026-07 Bottle Branch Road Sewer Lining

• **CONTRACT AWARD:** The Town reserves the right to make an award without further discussion of the submittals. The installer selected as the apparently successful contractor will be expected to enter into a contract with the Town. Following notification of selection, the successful bidder review and execute the Standard Town Agreement. The Town shall not be bound, or in any way obligated, until both parties have executed the agreement. No party may incur any chargeable costs prior to the execution of the final Contract.

• **CONTRACT NEGOTIATION:** The Town reserves the right to negotiate all elements of the submittals, proposals, terms and conditions, and/or scope of work as part of the contract negotiation process prior to any formal authorization of the Contract by the Town.

Unless specifically negotiated and mutually agreed upon, all applicable specifications of this Request for Proposals shall be considered as terms of the contract and shall not be overwritten or eliminated by conflicting language in the actual contract document.

• **EQUAL OPPORTUNITY EMPLOYMENT:** The successful contractor or contractors must comply with the Town of Berlin equal opportunity requirements. The Town of Berlin is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality or disability.

• **TITLE VI:** It is the Town of Berlin's policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities.

• **INSURANCE REQUIREMENTS:** The Town shall be named as an Additional Insured on the successful bidder's contract. Insurance coverage needs to be in at least the following amounts:

- a. Commercial/General Liability: Each Occurrence - \$1,000,000; medical expenses - \$10,000
- b. Vehicle Liability: \$1,000,000
- c. Workers Compensation: \$1,000,000

The cost of such insurance shall be paid by the contractor.

It shall be the responsibility of the successful contractor to ensure that appropriate insurance is maintained by any subcontractors associated with the project.

• **HOLD HARMLESS:** The Town of Berlin and their consultants shall be held harmless against claims for injuries to persons or damages to property, errors, omissions or professional liability that may arise from or in connection with the performance of work hereunder by the selected contractor, his agents, representatives, employees or subcontractors.

• **NON-ENDORSEMENT:** As a result of the selection of a contractor to supply products and/or services to the Town, the Town does not agree to the contractor's reference to the Town in any literature, promotional material, brochures, sales presentation or the like without the express written consent of the Town.

• **COMPLIANCE WITH LAWS, REGULATIONS, AND POLICIES:** In addition to nondiscrimination and affirmative action compliance requirements previously listed, the contractor or contractors ultimately awarded a contract shall comply with federal, state and local laws, statutes and ordinances relative to the execution of the work and other applicable provisions. This requirement includes, but is not limited to, protection of public and employee safety and health; environmental protection; waste reduction and recycling; the protection of natural resources; permits; fees; taxes; and similar subjects, including satisfaction of any outstanding payables to the Town of Berlin, whether related to the Contractor's business or personal account(s).





MOTION OF THE MAYOR AND COUNCIL 2026-41

A motion of the Mayor and Council of the Town of Berlin APPROVING THE FURNITURE FOR THE TOWN HALL RENOVATION PROJECT.

This payment will be expensed as a part of the General Fund Building and Grounds Capital Project, line item 01-5130-5255.

APPROVED this ____ day of _____, 2026, by the Council of the Town of Berlin, Maryland, by the vote as indicated below:

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

Dean Burrell, Sr. Vice President of the Council

Approved this ____ day of _____, 2026, by the Mayor of the Town of Berlin.

Zack Tyndall, Mayor, President of the Council

Attest: _____
Mary Bohlen, Town Administrator

BERLIN TOWN HALL — FURNITURE PACKAGE

Manufacturer Price Comparison — Full Package



Line Item	Indiana Furnishings	Teknion RECOMMENDED · MID-PRICE	Three H
Office, Conference & Council Chambers Furniture <i>core package — varies by manufacturer</i>	\$136,670.85	\$119,981.14	\$98,458.40
Art & Design Package <i>reduced scope per council request</i>	\$16,500.00	\$16,500.00	\$16,500.00
Council Chamber Seating — Vox <i>held constant across all options</i>	\$10,391.40	\$10,391.40	\$10,391.40
Conference Room, Guest, and Task (Staff Office) Seating	\$58,791.32	\$58,791.32	\$58,791.32
Specifications & Design Fee	\$2,100.00	\$2,100.00	\$1,100.00
Freight	INCL	INCL	INCL
Delivery & Installation	\$29,687.50	\$29,687.50	\$28,687.50
TOTAL PACKAGE PRICE	\$254,141.07	\$237,451.36	\$213,928.62

Notes

- Teknion is recommended as the mid-price option, positioned between Indiana Furnishings and Three H for the core furniture package.
- Council Chamber Seating pricing is unchanged across all three options.
- Conference Room, Guest, and Task Seating pricing reflects current quotes with reduction in conference room chair cost.
- Art & Design Package reflects reduced scope per council request.

SPECIAL PRICING INCENTIVES: OMNIA Contract:

Teknion: Furniture, Installation, and Related Services

Region 4 ESC - TX | R240116

Furniture, Installation and Related Products & Services

City of Charlotte, NC | 2020000610

Humanscale: Ergonomic Workplace Solutions

Region 4 ESC - TX | R221002

9to5: Furniture Region 14 ESC - TX | 07-73

Three H: Contract No. Start Date Expiration Date Revised 07-124

09/01/22 09/30/26 09/15/2025

NOTE: THREE H is offering below OMNIA pricing as an incentive and the Town of Berlin is able to use the OMNIA purchasing contract.

BERLIN TOWN HALL — FURNITURE PACKAGE

Manufacturer Price Comparison — Furniture Only



Line Item	Indiana Furnishings	Teknion RECOMMENDED · MID-PRICE	Three H
Office, Conference & Council Chambers Furniture <i>core package — varies by manufacturer</i>	\$136,670.85	\$119,981.14	\$98,458.40
Council Chamber Seating — Vox <i>held constant across all options</i>	\$10,391.40	\$10,391.40	\$10,391.40
Conference Room, Guest, and Task (Staff Office) Seating	\$58,791.32	\$58,791.32	\$58,791.32
FURNITURE SUBTOTAL	\$205,853.57	\$189,163.86	\$167,641.12

Notes

- Reflects office, conference, and council chambers furniture and seating only — excludes Art & Design, Specifications & Design Fee, Freight, and Delivery & Installation.
- \$21,522.74 difference between Teknion and Three H over 27 spaces which represents less than \$800 per space for an increase in quality, durability, longevity, ease of use, etc.

General Comparison:

TEKNION

- Built specifically for long-term commercial office use.
- Meets and exceeds strict ANSI/BIFMA standards, which require rigorous testing for heavy daily use.
- Uses strong steel frames, heavy-duty ball-bearing drawer slides, and high-pressure laminates for maximum durability.
- ANSI certification helps ensure product safety and performance.
- Excellent power and cable management, keeping wires concealed and organized.
- Designed to be retrofitted, meaning power and electrical components can be replaced or upgraded without replacing the entire furniture piece.
- Backed by a limited lifetime warranty on many components.
- Offers a refresh and refurbishment program to extend the life of furniture.
- Repairs and upgrades can often be completed without significant disruption to employees.

THREE H

- Also designed for commercial use and is considered durable.
- Most products are built with commercial-grade particleboard cores and high-pressure laminates that can handle daily office use.
- Desks and storage products are covered by a limited lifetime warranty for structural components.
- Moving parts and mechanisms have a 5-year warranty.
- Power components have only a 1-year warranty.
- Finishes are covered for 3 years.
- Does not offer a refurbishment program.
- Warranty claims may require full furniture replacement rather than repairing or upgrading components.
- Full replacements can result in longer downtime and workplace disruption while waiting for new parts or furniture.



August 10, 2026 Weekly Report

Departments This Week:

Town Administrator

SAVE THE DATE: REMINDER: Unless otherwise noted, meetings will be held at the Berlin Library until Town Hall Renovations are completed.

- Tuesday, August 4: National Night Out, Henry Park
- Monday, August 10, 5:15 PM: Town Hall Walkthrough
- Monday, August 10: Closed TBD; Regular Session 6:00 PM
- Monday, August 24: Closed TBD; Regular Session 6:00 PM
- Monday, August 31, 5:00 PM: Planning Commission Work Session regarding the Comprehensive Plan. This is a Work Session of the Planning Commission to review the first draft but is open to the public. Please advise Kate if you plan to attend as an audience member so that we can issue a notice of quorum.
 - Ryan has been working with the Fire Marshal's office drafting an Ordinance regarding Fire Pits. This will be on the agenda for August 10th for first reading; public hearing scheduled for August 24th. Effective date will therefore be (assuming passage) September 14th, which should get it ahead of fire pit season.

Economic and Community Development

- Taught a session for MEDA and DHCD as part of the Association's class panel
- Updated berlinmainstreet.com
- Prepping for upcoming events, Christmas included
- Landed a grant from the Worcester County Arts Council for pumpkin carving during Oktoberfest
- The Berlin Farmers Market Halloween Pet Parade planning
- Completed DHCD grant training
- IMPACT Fee meeting and research
- Working on content and design for our history brochure and the new Berlin mural tour
- Meeting with April Payne and representatives from Snow Hill and Pocomoke regarding newly passed into law per diem alcohol to-go licensing and permitting

Electric

- Changed out an overhead transformer on Flower St
- Replaced faulted OH transformer on Franklin Ave
- Installed new Underground service on Bay St
- Trimmed trees on the 220 circuit
- Read Demand meters
- Read residential meters
- Installed service on Brittney Ln.
- Meter reads and transfers
- Locate underground wires
- Generator maintenance
- Fix doors on primary wire cabinet

Finance Director

- FY 2026 year-end performance. Closing year, reports, end-of-year entries.
- FY 2027 capital projects, water resources, and lead replacement projects.
- FY 2027 funding allocations for capital projects.
- Tyler credit card processing discussions, fees reallocation.
- Grants, water loans, public works bond, MWIFA loans.
- Bank accounts review, positive pay submissions.
- CDA Bond paperwork, requisitions for bond reimbursements.
- Delinquent accounts review.
- Public Service Commissioner's reports and submissions, PCA calculations – Michelle.
- DBF invoices review and processing.
- EA invoices review and processing.
- Credit card payments and processing – Shirley.
- Bank reconciliations – Melissa.
- Journal entries and invoices – Linda.
- Electric rate study paperwork and necessary reports for evaluation, working with Booth and Assoc-in process.
- Water and electric meter readings - Michelle.
- Check processing and credit card payments, review registers, checks, and the Town's card payments – Shirley.
- Department meetings scheduled, projects, and planning.
- Employees' training, cross-training.
- GFOA standing committee virtual meetings.
- Implementation of new Tyler modules for code enforcement, assets, and project accounting, September- October.

Human Resources Department

- Processed payroll and all related reports on 07/27/26.
- Onboarded a new police officer, Senior Officer Kara Staley, on 07/27/26 and onboarded a new seasonal hire in Public Works, Patrick Freeman on 07/28/26.
- Scheduled Interviews for PCO scheduled for the first week of august.
- Purchased gift cards for august employees work anniversaries.
- Sorting through Administrative Assistant II applications, thankfully we have received several.
- Participated in two TTCA/FAMLI calls.
- Recertified state retirement leave for Evans and Downing after 30 days of retirement.
- PCORI payment sent.
- Quarterly leave reports out to department heads.
- Processed termination paperwork for some recent retirees and terminations.
- Open positions:
 - Administrative Assistant II - Administration
 - Police Communications Officer (part-time & full-time) - Police
 - Police Officers - Police

Planning Department

- Preparing for HDC meeting- 8/5/26
- Preparing for BZA meeting- 8/5/26
- Preparing for Planning Commission meeting- 8/12/26
- Plan review meeting with consultant
- Impact Fees discussion virtual meeting
- Rewriting the Open Burning ordinance

- Completed MDP's "From Planning to Implementation" online training class
- Met with several residents to discuss concerns
- Revising Town applications
- Ongoing review of development projects
- Received applications for: Building permits- 7, Grading/Excavation permits- 3, Demolition- 1, Sign permits- 1, Fence permits- 3, Business License- 2, Contractors License- 3
- Released applications for: Building permits- 6, Demo- 1, Fence- 2, Grading- 1, Sign- 2
- Issued door tags/verbal warnings/corrective action letters for: Grass- 3, Traffic Obstruction- 2, Setback violation- 1, Advertising sign- 4, Unpermitted sign- 2, Junk- 2, Abated signs- 4
- Working on Receivership code
- Research and digitize easements
- Creation of Parks & Grounds map
- Creation of Street Signs map

Police Department

- 7/31: Chief Drewer Berlin Nursing Home open house
- 8/1: Capt. Fisher, Cpl. Lloyd Blessing of the Combines Snow Hill
- 8/1: SO. Shockley, Ofc. Ebke Peach festival
- 8/4: Chief Drewer, Capt. Fisher, Sgt. Bragg, Sgt. Collins, Cpl. Bratten, Cpl. Lloyd, SO Shockley, SO Staley, Pfc. Collins National Night Out

Public Works

- Public works helped with the Peach Fest on August 1st, another successful event. Helped with trash and picnic tables. We implemented cones and cone bar sticks to help with pedestrian walkways. Always working on safety.
- Henry Park is in tip-top shape for National Night Out on 8/4. Hope to see everyone there.
- We started clearing dead trees and junk trees at the Community Center. We will be removing silt fence and cutting grass in the coming weeks.
- We continue to prepare upcoming events and projects in our parks. PW is prepping the area for the Girl Scouts Sensory Garden that will be installed the first week of August at SDP.
- Trash and Recycling collection continues as normal.
- Daily maintenance in parks and town-owned areas is taking place as well.
- We hired Claude Littleton part-time. Claude worked in our electric department for 37 years. Claude has been working two days a week on sweeping all town streets.

Water Resources

- Replaced the effluent flow meter at the WWTP
- Installed irrigation meter on Dueling Way
- Cybersecurity Training - HB, DB, JM, RP
- Water Disconnects throughout Town
- Gutter replacement at the Spray Irrigation Site Building
- Sewage Sludge Utilization Permit renewal application
- Held a Stormwater Pre-Bid Meeting for Westminster, Abbey, Upshur
- Pressed sludge
- HVAC Upgrades started at the WWTP
- Water Leak repair on Graham Ave.



Check Run Report will be posted once it is available.