



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

**Berlin Town Hall**  
**10 William Street**  
**Monday, February 26, 2018**

**6:00 PM EXECUTIVE SESSION – Conference Room**

- a. Pursuant to Section §3-305(b)(7) – To consult with counsel to obtain legal advice on a legal matter.
- b. Pursuant to Section §3-305(b)(14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**7:00 PM REGULAR SESSION – Council Chambers**

1. Approval of the Minutes for:
  - a. Regular Session of 02/12/18
2. Motion 2018-06 – Motion approving Burley Oak Holdings, LLC to purchase and finance five (5) new Equivalent dwelling units – Owner Bryan Brushmiller
3. Stormwater Project Updates – Presentation by Darl Kolar, EA Engineering Science and Technology, Inc., PBC
4. Motion 2018-05 – Motion approving Resolution 2018-01 – A resolution establishing a non-profit grant process  
Staff Contact – Town Administrator Laura Allen
5. Departmental Reports:
  - a. Finance Director – Natalie Saleh
  - b. Administrative Services Director – Mary Bohlen
  - c. Water Resources/Public Works – Jane Kreiter
  - d. Electric – Tim Lawrence
  - e. Chief – Arnold Downing
  - f. Planning – Dave Engelhart
  - g. Economic and Community Development – Ivy Wells
  - h. Managing Director – Jeff Fleetwood
6. Town Administrator’s Report
7. Comments from the Mayor

8. Comments from the Council
9. Comments from the Public
10. Comments from the Press
11. Adjournment

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

*TTY users dial 7-1-1 in the State of Maryland.  
TTY users outside Maryland dial 1-800-735-2258*



**BERLIN MAYOR AND COUNCIL**  
**Meeting Minutes**  
**Monday, February 12, 2018**

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

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

**Absent:** Councilmember Dean Burrell

**Staff Present:** Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Town Attorney David Gaskill, and Administrative Assistant Kelsey Jensen.

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

1. Approval of the Minutes for:

a. Executive Session of 01/22/18:

On the motion of Councilmember Gulyas, the Executive Session minutes of January 22, 2018 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

b. Statement of Closure for Executive Session of 01/22/18:

Mayor Williams read the Statement of Closure.

c. Regular Session of 01/22/18:

On the motion of Councilmember Gulyas, the Regular Session Minutes of January 22, 2018 were approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

2. Atlantic General Hospital Updates – Michael Franklin President/CEO

Mr. Franklin presented information about Atlantic General Hospital. Mr. Jack Burbage addressed the Mayor and Council and asked that they donate \$100,000 over the next five years, to include \$20,000 a year in the budget. Councilmember Tyndall asked Mr. Franklin if they can do a walkthrough of the hospital and new cancer center to better understand the needs of the hospital; Mayor Williams said that was a great idea. Mr. Franklin said Ms. Tammy Patrick can give a tour whenever it is convenient. He also stated that you can watch the progress online.

3. Event – Zennafest

Mayor Williams explained that this event request has been moved to a later date at the request of the organizer.

4. Motions to Approve:

a. Motion 2018-03 – Reinstating the Town’s PJM Risk Management Policy and reauthorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission and to take actions there on its behalf related to the proceedings

Town Administrator Laura Allen explained the Motion. Councilmember Tyndall asked if we will see an increase or decrease in electric rates this year; Ms. Allen stated that we re-signed a contract in January and the rates were slightly decreased.

On the motion of Councilmember Tyndall, Motion 2018-03 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

b. 2018-04 – Authorizing the Mayor to sign an agreement with Betts and Holt, LLP for legal services regarding the Electric Department and other energy related matters.

Mayor Williams explained the Motion. Ms. Allen stated that the prices are remaining the same and they are expanding their services to include natural gas and solar.

On the motion of Councilmember Gulyas, Motion 2018-04 was approved by the following vote:

Name	Counted toward Quorum			Recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

5. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh reported that she is working on budget projections. She and Ms. Allen will be meeting with each department to discuss budgets in the month of March. The first budget work session will be on April 16<sup>th</sup>. Mayor Williams asked Ms. Saleh to get a schedule out for budget dates.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen reported that the Public Access Channel will now stream in the lobby of Town Hall.



c. Electric Utility Director – Tim Lawrence

Mr. Lawrence reported that they have been doing maintenance at the power plant. Bay Diesel and Peaker Services made repairs to the number two engine. At Schooner Ln, they have undergrounded the lines. At 15 Gay St, they installed a transformer and energized the service. They also installed underground electric at the Henry Park Restrooms. They had required vibration testing done on the engines. Lastly, they installed new service at 9908 Old Ocean City Blvd.

d. Police Chief – Arnold Downing

Chief Downing reported that there was a great turnout to the ribbon cutting on Friday and almost 100 people at Saturday’s open house. Senator Mathias came on Saturday and said he was very proud to see something tangible come from the slots revenue. Mayor Williams said he is happy that the architecture of the building fits in so well with the Town. Councilmember Tyndall stated that he would like to see the anchor shaded in and a larger flag; Chief Downing said that was addressed and is being fixed along with a barricade at the pond.

e. Planning and Zoning Director – David Engelhart

Mr. Engelhart reported that he is waiting on the electrician and plumber to come out this week to connect the restrooms in Henry Park, and then he is hoping the restrooms will be fully operational.

f. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood reported that they are meeting with four health insurance brokers tomorrow and Thursday. Next Wednesday, he will be attending the Lower Eastern Shore Safety Council Meeting. He is working on budgets. On the 23<sup>rd</sup> of March at noon there will be an employee recognition gathering and everyone is welcomed to come.

6. Town Administrator’s Report – Laura Allen

Ms. Allen stated that the Gay Street meeting went well and they had good suggestions. Josh Taylor will be modifying the plan before it’s out to bid. She also thanked the Council for attending the Emergency Preparedness Training last week.

7. Comments from the Mayor:

Mayor Williams congratulated the Police Department on their new facility.

8. Comments from the Council:

Councilmember Tyndall asked that we look into parking during events on Washington St. and near Buckingham Elementary. He was concerned about emergency vehicles gaining access.

Vice-President Brittingham asked Mr. Engelhart if they have done a final paving at Ocean’s East on Seahawk Rd because it is uneven. He stated that they have to his knowledge, but they will need a final inspection before it’s completed, so if it’s an issue they will address it.

9. Comments from the Audience – none.

10. Comments from the Press – none.

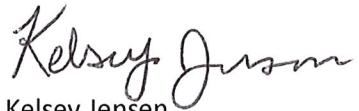
11. Adjournment:

On the motion of Councilmember Gulyas, the Mayor and Council meeting was adjourned at approximately 8:15PM.

Name	Counted toward Quorum	
------	-----------------------	--

	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell					X
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	4				1

Respectfully Submitted,



Kelsey Jensen  
Administrative Assistant



MOTION OF THE MAYOR AND COUNCIL 2018-06

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING BURLEY OAK HOLDINGS, LLC TO PURCHASE AND FINANCE FIVE (5) NEW EQUIVALENT DWELLING UNITS.

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

\_\_\_\_\_  
ELROY BRITTINGHAM, SR. VICE PRESIDENT

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 BY THE MAYOR OF THE TOWN OF BERLIN.

\_\_\_\_\_  
WM. GEE WILLIAMS, III, MAYOR

ATTEST: \_\_\_\_\_  
LAURA ALLEN  
TOWN ADMINISTRATOR

LAW OFFICES  
WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.  
3509 COASTAL HIGHWAY  
OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE  
RAYMOND C. SHOCKLEY  
J. RICHARD COLLINS  
REGAN J.R. SMITH  
CHRISTOPHER T. WOODLEY  
CHRIS S. MASON

(410) 289-3553  
TELEFAX (410) 289-4157

MARCUS J. WILLIAMS (1923-1995)  
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL  
JOSEPH G. HARRISON, JR.

February 14, 2018

Via Email - [lallen@berlinmd.gov](mailto:lallen@berlinmd.gov)  
Laura Allen, Town Administrator  
Mayor & Council of Berlin  
10 Williams Street  
Berlin, MD 21811

Re: Burley Oak Holdings, LLC, 10016 Old Ocean City Blvd., Berlin  
Additional Equivalent Dwelling Units (EDUs)

Dear Laura,

Thank you for your email message of February 13, 2018, regarding the additional EDUs for the above-referenced property. Your letter to Bryan Brushmiller, dated October 3, 2017, indicates that Burley Oak Holdings, LLC ("Burley Oak") currently needs four additional EDUs. During our conversation on Friday, February 9, 2018, you indicated that Burley Oak would likely need to purchase a 5<sup>th</sup> EDU in the near future.

Both Mr. Brushmiller and I appreciate the Town's assistance with this matter. Jane Kreiter could not have been any more helpful and Mr. Brushmiller has enjoyed working with her. Similarly, Resolution 2017-09 which allows for the EDUs at issue to be financed with the approval of the Mayor and Council is very helpful as my client is not in a position to pay in full for those EDUs at this time. That being said, my client would like to purchase 5 EDUs rather than just the 4 that were referenced in your letter of October 3, 2017, and respectfully requests that the Mayor and Council allow him to finance the purchase of those EDUs over 5 years in accordance with Resolution 2017-09: Burley Oak would be purchasing that 5<sup>th</sup> EDU now even though it may not be needed at this time. Therefore, if at a later date it is determined that the 5<sup>th</sup> EDU is not necessary, Burley Oak would like the ability to either get a credit for that EDU or transfer that EDU to another property.

Mr. Brushmiller was copied on your email message of February 13<sup>th</sup>, and, therefore, has the documents needed to complete this request. He is going to complete those documents and submit them to you in advance of the Mayor and Council meeting on Monday, February 26, 2018.



Thank you for your assistance with this matter. I also appreciate Mayor Williams' assistance with this matter. Please do not hesitate to contact me with any questions or concerns that you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Woodley', with a large, sweeping flourish extending to the right.

Christopher T. Woodley

cc: Mr. Bryan Brushmiller



# Mayor & Council of Berlin

10 William Street  
Berlin, MD 21811  
410-641-2770  
www.berlinmd.gov

## EQUIVALENT DWELLING UNIT FINANCING <sup>REQU</sup> ^ EST

Applicant:

Contact Person: Bryan Brushmiller  
Company Name (if applicable): Burley Oak Holdings LLC  
Mailing Address: 10016 Old Ocean City Blvd  
Berlin, MD 21811

Phone: 410-422-8887 Alt. Phone: \_\_\_\_\_  
Email: Burley OAK @ gmail . COM

Project:

Name (if applicable): Burley Oak Brewery  
Property Address: 10016 Old Ocean City Blvd. Berlin, MD 21811  
Map, Grid, Parcel: Map: 25 Parcel: 0156  
Number of EDU's to be financed (up to five): Five (5)  
Amount to be financed: \$83,430

Description of Project/Services

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Deposit required: 10%= \$8,343  
Balance due after deposit: \$75,087

Deposit paid: <u>2/</u> (date)
-----------------------------------

By my signature below, I acknowledge that I will pay the total amount of the equivalent dwelling units within five (5) years. I will be charged an annual financing fee of 3%. If my application is denied, I am able to appeal in writing to the Mayor and Council within thirty (30) days of the denial. There shall be no appeal to any court and there shall be no right to review of appeal by any person other than the applicant. I will provide the Town Administrator with any requested documentation before my approval. I understand that the property owner's balance shall be paid in full upon transfer of the property. I understand that I will be responsible to pay any construction inspection fees and charges, and they shall be added to the final agreement.

Signed: *Bryan Brushmiller*  
Name/Title Bryan Brushmiller  
Name/Title MEMBER

Date: 2-21-18  
Date: \_\_\_\_\_

Town of Berlin \_\_\_\_\_

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

Public Works Agreement construction inspection fees and charges paid: N/A

TOWN OF BERLIN

WATER & SEWER ALLOCATION APPLICATION

DATE: \_\_\_\_\_

The undersigned hereby makes application under the provisions of Ordinance 2009-02 Water and Sewer Allocation for the Town of Berlin. Fill in all applicable blanks.

APPLICANT DATA

Name: Burley Oak Holdings LLC

Mailing Address: 10016 Old Ocean City Blvd  
Berlin, MD 21811

Telephone: 410-422-8887 (home) 443-513-4647 (office)

Name of Agent/Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

PROPERTY DATA

Project Name: Burley Oak Brewing Company

Street Address: 10016 Old Ocean City Blvd Town: Berlin

Tax Map: 25 Parcel: 0156

Acreage: 1.2 Zoning: B-2 Account No. 018288

Current Master Water and Sewerage Plan Designation: W- S-

Existing Use: Business

Existing Allocation: sewer: 1500 gpd water: 1250 gpd

Zoning: B-2

PROJECT DATA

Description: Burley Oak Brewing Company

Application is for: sewerage: 5 water: 5

Total EDU's Required: Five (5) sewerage and Five (5) water

Amount Due: \$83,430 (\$16,686 each)

10% Deposit: \$8,343  
(due at application)

Balance Due: \$75,087

(Balance of EDU charge must be paid in full prior to the issuance of a Building Permit for structures that are being built.)

## WATER AND SEWER USE AND ALLOCATION AGREEMENT

Made this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by and between Burley Oak Holdings LLC hereinafter referred to as "Owner", and the Town of Berlin, hereinafter referred to as "Berlin or "Town of Berlin".

### WITNESSETH:

**Whereas**, the Owner is the owner in fee simple of certain property located in Worcester County, Maryland and known as 10016 Old Ocean City Blvd. (Burley Oak Brewing Company), Berlin, MD., Tax Map 25, Parcel 0156; hereinafter referred to as the "Property"; and

**Whereas**, the Property consists of a two- single story commercial buildings. ("Building"). The Building contains one (1) unit ("Unit"); and

**Whereas**, Berlin Standards and Specifications require the following:

**Whereas**, the Property previously contained a total of six water (6) and five sewer (5) Equivalent Dwelling Units (EDU) equal to 1500 gpd for water and 1250 gpd for sewer, and will be adding five (5) water and sewer EDU(s) or 1250 gpd for water and sewer, for a total of 11 water and 10 sewer EDU(s) equal to 2750 gpd for water, and 2500 gpd for sewer; and

**Whereas**, the Property is allocated under policies and procedures of Berlin a Water and Sewer allocation of 11 water and 10 sewer EDU(s) equal to 2750 gpd for water, and 2500 gpd for sewer; and

**Whereas**, the Owner may in the future desire to subdivide the Property, or divide the Property by metes and bounds or by other means for the purpose of sale or otherwise change the permitted uses or intensify or increase a previously permitted use on the Property so as to modify the water and sewer usage attributable to the Property; and

**Whereas**, this Agreement is not intended and shall not be construed as authorizing any EDU's in addition to the 11 water and 10 sewer EDU(s) allocated to the Property; and

**Whereas**, this Agreement is intended only to authorize the specific uses so as to assure the Town of Berlin that the use of the Property does not utilize in excess of 11 water and 10 sewer EDU(s) equal to 2750 gpd for water, and 2500 gpd for sewer.

**Now, Therefore**, in consideration of permission granted by the Town of Berlin to allow Owner or Owner's successors, personal representatives and assigns, a water and



sewer allocation from the Town of Berlin equal to 11 water and 10 sewer EDU(s) equal to 2750 gpd for water, and 2500 gpd for sewer for the Project, the Owner does hereby covenant and agree for itself, and for all its purchasers, lessees, successors and assigns, to and with the Town of Berlin, as follows:

1. Historical metered flows were determined by the master meter on the Property from 24 months of continuous usage immediately prior to the approval date of this agreement and these flows were used in the allocation of 11 water and 10 sewer EDU(s) equal to 2750 gpd for water, and 2500 gpd for sewer.
2. Owner specifically acknowledges and agrees that any changes to the approved use including any increase to or enhancement of a previously approved use may not be made without the prior express written approval of the Town of Berlin.
3. The Property is only approved for 11 water and 10 sewer EDU(s), Owner is to notify the Town of Berlin for approval of any change in use or ownership. The Owner further agrees and understands that a Zoning Permit shall be required for any change of use.
4. The Town shall monitor water consumption as an indication of actual sewer flow to a non-residential unit or project for a period of twenty-four months following completion of the entire project. If the flow exceeds the established EDU's allocated to the property, the owner of the non-residential unit or project will be assessed additional Special Connection Charges as appropriate, at the rate previously paid by the owner to reflect the additional flow in excess of the previously allocated number of EDU's. Any fractional portion shall be rounded to the next highest whole number. The owner agrees that it is required to purchase additional EDU'S if the actual flow exceeds the established EDU'S allocated to the property, and understands and agrees that the failure to purchase additional EDU'S may result in the termination of water and sewer service to the property at the discretion of the Town of Berlin.
5. Flow projections for the Property shall be calculated by the Town utilizing the flow projections provided in the Guidance Document, titled Wastewater Capacity Management Plans, 2006, published by the State of Maryland Department of the Environment, as amended, ("Guideline") except for medical office use.
6. Effective December 31, 2006, when the proposed use is for medical office space, flow projections for such use shall be calculated by the Town by multiplying the gross square footage of such medical office space times 0.10 to determine the projected flow in gallons per day ("Medical Office Guideline".)
7. Effective February 25, 2008, when the proposed use is for carry-out only, flow projection for such use shall be calculated by the Town by multiplying the gross square footage, to include all seating and food preparation area, including non-public space behind the counter but not a walk in refrigerated space if within the footprint of the building, times 0.5

gpd to determine the projected flow in gallons per day. If seating is planned the numbers of seats are multiplied by 25 gpd and the greater flow of the seating or square foot flow will be used. ("Carry -out Guideline".)

- 8. The Town shall review each request for a change in use, expansion of the use, or intensification of the use and, within 45 days of submission, calculate the projected flow pursuant to the Guidelines and Medical Office Guideline. Uses, which result in projected or actual flows in excess of the EDU allocated hereunder, shall not be permitted. The Town may extend the 45-day period provided that it notifies the Owner in writing that it requires additional time to calculate the projected flow.
- 9. The foregoing covenants shall be deemed to run with and bind the Property and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns. Enforcement by the Town may include but not be limited to injunctive relief, the application of use surcharges or other fees or any other remedy deemed appropriate by the Town.

IN WITNESS WHEREOF, the parties hereto set their hands and seals as of the day and year first above written.

ATTEST:

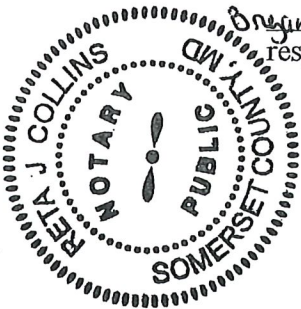
OWNER's Name

Bryan Brushmiller (Seal)  
Type name & title if any member

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 21 day of February, 2018, before me, a Notary Public of the State and County aforesaid, personally appeared Bryan Brushmiller and acknowledged the foregoing agreement to be his/her respective act.

AS WITNESS my hand and Notarial Seal.



Notary Public

My commission expires: 6/12/2019

ATTEST:

OWNER's Name

\_\_\_\_\_  
Type name & title if any (Seal)

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2018, before me a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_ and acknowledged the foregoing agreement to be his/her respective act.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public  
My Commission expires:

**Lien Holder Consent**

The undersigned is joining in the execution of this Water and Sewer Allocation Agreement, solely for the purposes of (a) consenting to the terms hereof, and (b) agreeing that this Agreement shall not be terminated or affected in any manner by a foreclosure or other transfer of the Property under the Deed of Trust recorded in Liber \_\_\_\_\_ Folio \_\_\_\_\_.

WITNESS

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Town of Berlin**

ATTEST:

\_\_\_\_\_  
MAYOR

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2018,  
before me, a Notary Public of the State and County aforesaid, personally appeared  
\_\_\_\_\_ and acknowledged himself to be the \_\_\_\_\_ of the  
Town of Berlin, and that he, as such \_\_\_\_\_, being authorized  
so to do, executed the foregoing agreement for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public  
My commission expires:



Real Property Data Search ( w4)

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
<b>Account Identifier:</b>		<b>District - 03 Account Number - 018288</b>							
Owner Information									
<b>Owner Name:</b>		BURLEY OAK HOLDINGS LLC				<b>Use:</b>		COMMERCIAL	
<b>Mailing Address:</b>		10016 OLD OCEAN CITY BLVD BERLIN MD 21811-0000				<b>Principal Residence:</b>		NO	
						<b>Deed Reference:</b>		/06521/ 00135	
Location & Structure Information									
<b>Premises Address:</b>		10016 OLD OCEAN CITY BLVD BERLIN 0-0000				<b>Legal Description:</b>		169.2'X 247' X 160.8 X 191.2' S SIDE R-346 N OF BERLIN	
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>	<b>Block:</b>	<b>Lot:</b>	<b>Assessment Year:</b>	<b>Plat No:</b>
0025	0009	0156		0000				2017	Plat Ref:
<b>Special Tax Areas:</b>				<b>Town:</b>		BERLIN			
				<b>Ad Valorem:</b>					
				<b>Tax Class:</b>					
<b>Primary Structure Built</b>		<b>Above Grade Living Area</b>		<b>Finished Basement Area</b>		<b>Property Land Area</b>		<b>County Use</b>	
1940		8,520 SF				1.2000 AC			
<b>Stories</b>	<b>Basement</b>	<b>Type</b>		<b>Exterior</b>	<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Major Renovation</b>		
		LIGHT MANUFACTURING							
Value Information									
		<b>Base Value</b>		<b>Value</b>		<b>Phase-in Assessments</b>			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
<b>Land:</b>		300,000		320,000					
<b>Improvements</b>		140,900		225,600					
<b>Total:</b>		440,900		545,600		475,800		510,700	
<b>Preferential Land:</b>		0						0	
Transfer Information									
<b>Seller:</b> PARK OAK-KWANG & SOON-AE				<b>Date:</b> 03/06/2015		<b>Price:</b> \$572,000			
<b>Type:</b> ARMS LENGTH IMPROVED				<b>Deed1:</b> /06521/ 00135		<b>Deed2:</b>			
<b>Seller:</b> WHITTINGTON GARY B SR &				<b>Date:</b> 09/30/1986		<b>Price:</b> \$60,000			
<b>Type:</b> ARMS LENGTH IMPROVED				<b>Deed1:</b> WCL /01223/ 00512		<b>Deed2:</b>			
<b>Seller:</b> WHITTINGTON MARGARET H &				<b>Date:</b> 04/05/1984		<b>Price:</b> \$0			
<b>Type:</b> NON-ARMS LENGTH OTHER				<b>Deed1:</b> WCL /00964/ 00001		<b>Deed2:</b>			
Exemption Information									
<b>Partial Exempt Assessments:</b>		<b>Class</b>		07/01/2017		07/01/2018			
<b>County:</b>		000		0.00					
<b>State:</b>		000		0.00					
<b>Municipal:</b>		000		0.00 0.00		0.00 0.00			
<b>Tax Exempt:</b>				<b>Special Tax Recapture:</b>					
<b>Exempt Class:</b>				NONE					
Homestead Application Information									
<b>Homestead Application Status:</b> No Application									
Homeowners' Tax Credit Application Information									
<b>Homeowners' Tax Credit Application Status:</b> No Application						<b>Date:</b>			

Presentation:

Stormwater Project Updates –  
Presentation by Darl Kolar, EA  
Engineering Science and Technology,  
Inc., PBC



**MOTION OF THE MAYOR AND COUNCIL 2018-05**

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING RESOLUTION 2018-01 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ESTABLISHING A NON-PROFIT GRANT PROCESS.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_ TO \_\_\_\_ OPPOSED, WITH \_\_\_\_ ABSTAINING, AND \_\_\_\_ ABSENT.

\_\_\_\_\_  
Elroy Brittingham, Sr. Vice President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018 by the Mayor of the Town of Berlin.

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

ATTEST: \_\_\_\_\_  
Laura Allen  
Town Administrator



## RESOLUTION NO. 2018-01

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, ESTABLISHING A NON-PROFIT GRANT PROCESS

WHEREAS, The Mayor and Council realize the *Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide; and

WHEREAS, *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence; and

WHEREAS, *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need; and

WHEREAS, *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from this policy*. The Mayor and Council have determined that the services provided by these organizations warrant a different approach; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows: That the purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.

#### **Non- Profit Grants Process**

##### **1. Purpose and Findings**

- (a) The purposes of this subchapter are to establish policies and procedures for assuring that all grants for charitable purposes are lawful and for establishing a fair and efficient process for reviewing and approving requests for grants or donations.
- (b) The Mayor and Council making the following findings:
  - (1) *The Town Needs to Rely on Partners to Provide Services*. Because of the Town's small size and limited resources, the Town relies on the assistance of partnering agencies to provide services that the Town cannot efficiently provide.
  - (2) *It is Difficult to Quantify the Public Benefit*. With a lot of nonprofit organizations, it is difficult to quantify the benefits to the community at large. One reason is the reluctance of the recipients of benefits to identify their place of residence.
  - (3) *Providing food, shelter or clothing to needy persons serves a public purpose*. The Town does not have shelter for individuals and families in need and relies instead on its nonprofit partners to meet this need.
  - (4) *Contributions made to Atlantic General Hospital, the Berlin Fire Company, the Town of*



*Berlin's Energy Assistance Program and Worcester Youth and Family are exempt from this policy.* The Mayor and Council have determined that the services provided by these organizations warrant a different approach.

## 2. **Criteria for Approving Grants**

(a) Purposes. The Town Council may appropriate money from the General Fund for any of the following purposes:

- (1) When there is an identifiable benefit to the Town or the community at large;
- (2) When the recipient organization provides a service that complements or enhances a service that the Town of Berlin also provides to its residents or businesses; or
- (3) When the recipient organization provides a service that the Town could provide to its residents or businesses but chooses not to.

(b) Accessibility. In determining whether a recipient organization's services are readily available to Berlin residents or businesses, the Town Council may consider:

- (1) The number of Berlin residents or businesses served by the organization in the years prior to the grant application;
- (2) The location(s) where Berlin residents or businesses may receive the recipient organization's services or programs; and
- (3) The nature and extent of the efforts of the recipient organization to reach out to Berlin residents and businesses.

(c) Rough Proportionality. The amount of each grant must be roughly proportional to the benefit provided by the organization to the Town or its residents and businesses.

## 3. **Funding Categories**

Provided that the appropriation complies with subsection 2 (a) and is for at least one of the purposes in subsection 2 (b), the Town Council may appropriate money from the General Fund for programs or projects that:

- (1) Provide shelter, food, or clothing to persons in need of those programs (Necessities of Life);
- (2) Provide physical or mental health services to persons with special needs (Integrated Care Services);
- (3) Educate and engage residents (Education);
- (4) Promote economic development or support businesses located or doing business in the Town (Economic Development); or
- (5) Provide a service that the Town could provide to its residents or businesses or support, complement or enhance a service or program that the Town of Berlin provides to its residents or businesses (Complementary Services).

## 4. **Eligible Organizations; Rough Proportionality Required**

(a) Grants may only be made to a governmental entity; an organization that is organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes and is exempt from tax under Internal Revenue Code section 501(c)(3); or, a chamber of commerce that is exempt from tax under Internal Revenue Code section 501(c)(6).

(b) For an organization to be eligible:

- (1) The organization's mission must include providing a public benefit to the residents or businesses within the municipal boundaries of the Town of Berlin;
- (2) The organization must have policies and procedures to ensure that the terms and conditions of all grants are satisfied.

## **5. Grant Limitations**

(a) Grants cannot be used to fund existing obligations, debts or liabilities.

(b) Grants are made with the understanding that the Town has no obligation or commitment to provide any additional support to the grantee.

(c) Town funds should not be used to support national and regional charitable organizations; instead, they should be supported by individual and corporate donations.

(d) Requests for grants from religious organizations will be considered only if a general need is being met and the project does not promote the teachings of a particular church denomination.

(e) Grants may not be used for any political campaign or to support attempts to influence the legislature or any governmental body other than through making available the results of nonpartisan analysis, study and research.

(f) The grantee shall not discriminate on the basis of race, color, religion, gender, age, weight, height, sexual orientation, marital status, national origin, disability or other characteristic protected by law.

## **6. Request for Determination of Eligibility for Grant Funding**

(a) An applicant shall first submit a request for determination of eligibility for grant funding on a form prescribed by the Town Administrator, which shall state the following:

- (1) Organizational Information, preferably no longer than one page, summarizing the organization's history, mission, goals, current programs, and the population served;
- (2) A description of the Town population served by the organization;
- (3) A certification that the organization is not in litigation nor does it anticipate pending litigation from any member of a protected class; and
- (4) Policies and procedures adopted by the organization to ensure that the terms and conditions of all grants are satisfied.

(b) The Request for Determination of Eligibility shall be accompanied by documentation of the organization's eligibility, i.e.:

- (1) An IRS letter of tax exemption under IRC sections 501(c)(3) for charitable organizations;
- (2) An IRS letter of tax exemption under IRC section 501(c)(6), for chambers of commerce;  
or
- (3) Articles of Incorporation, statutory reference, or similar documentation, for a governmental entity.

(c) The organization needs to file the foregoing information only once. Each year afterwards, the organization must verify that the information is still current and, if not, must update each item of new or changed information.

## **7. Grant Applications**

An application for a charitable donation shall be made on a form prescribed by the Town Administrator and shall state the following:

- (1) Program or project title;
  - (2) Purpose of the grant (not more than two sentences);
  - (3) Timeline for accomplishing the project or program;
  - (4) List of all previous requests to the Town within the previous five years;
  - (5) Summary of the program or project, including an action plan and timetable for implementation;
  - (6) A succinct statement of how the grant meets the criteria in Section 2 and how the Berlin community would benefit from this project;
  - (7) Identity of partners in the project and their roles;
  - (8) An evaluation plan that includes a description of how the applicant will define the success of the program or project;
  - (9) A detailed budget for the program or project.
- (b) Grant applications should be brief and to the point.
- (c) A charitable organization must attach one copy of each of the following documents to the application:
- (1) Roster of current governing board members;
  - (2) Annual operating budgets for the organization for the current year and the next year; and
  - (3) If the organization is operating at a deficit, an explanation of cause of the deficit and what the organization is doing to eliminate expected year-end deficits.

## **8. Grant Application Timeline**



(a) On or before July 1 of each year, the Town Council may include in its budget for the upcoming fiscal year a total amount that may be granted and donated to charitable organizations and governmental entities in accordance with this subchapter.

(b) During the period from July 1 to August 1 of each year, any eligible charitable organization or governmental entity may submit an application to the Town for a grant. Thereafter, the Town Administrator or his/her designee, shall notify each applicant whether its application is complete and the date when the Town Council will consider the application.

(c) As soon thereafter as practical, the Town Council shall consider all applications for grants. Approved grants will be disbursed approximately 30 days after approval of the grant by the Town Council and execution of a Grant Agreement by the Grant Recipient.

**9. Grant Agreement**

The Grant Recipient must execute a Grant Agreement with the Town before any funds may be paid. The Grant Agreement shall include a statement of the goal or purpose of the Grant, a time within which the goal is expected to be achieved, and reporting requirements.

**10. Grant Reports**

(a) Within 90 days of completion of the program or project funded by a grant, the Grant Recipient shall file a brief written report with the Town Administrator explaining:

- (1) The extent to which the Grant Recipient reached the goals and objectives for the program or project;
- (2) An evaluation of the program or project, including a description of the project or program's impact on the Town or its residents or businesses; and
- (3) An explanation of how the grant funds were spent.

(b) Grant Recipients may be asked to present their report to the Mayor and Council at a regular meeting.

(c) The Town Administrator may, in the Grant Agreement, require that the Grant Recipient file an Interim Report.

**11. Emergency or Disaster Relief**

Notwithstanding anything to the contrary herein, the Town Council may provide financial aid or assistance for:

- (1) the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency declared by the President, if found to be in the public interest;
- (2) disaster relief in connection with a national or local emergency created by military attack or sabotage;
- (3) providing adequate national or local defense;
- (4) responding to a local emergency



**12. Implementing Policies and Regulations**

The Town Administrator is authorized and directed to establish procedures and regulations to implement this resolution.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the Mayor and the Town of Berlin, Maryland, by affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstaining, and \_\_\_\_\_ absent.

\_\_\_\_\_  
Elroy Brittingham, Sr., Vice President

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the Mayor and Town of Berlin.

ATTEST:

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

\_\_\_\_\_  
Laura Allen, Town Administrator