



Town of Berwyn Heights

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Minutes Town Meeting April 11, 2018

Executive Session (6:00 p.m. - 6:32 p.m.)

Personnel Matter

Regular Town Meeting

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, Chief Kenneth Antolik, Public Works Director Kenneth Hall, Treasurer Michelle Rodriguez, Clerk Kerstin Harper and PRECA Aide Stephen Isler, as well as residents Bradley Jewitt, Amanda Dewey and Debby Steele-Snyder.

Mayor Jewitt led the Pledge of Allegiance.

1. Presentation

Former Mayor Bradley Jewitt thanked the Town for the many opportunities it afforded him and his family to participate in the community and to serve on the Town Council. Berwyn Heights was a great place to raise their son, but now is the time to start another chapter of their lives

2. Hearings

FY 2019 General Fund Budget: Mayor Jewitt said that the Council reviewed the FY 2019 proposed budget at its March 23 budget worksession and published a one-page summary in the April Bulletin. The General Fund Budget projects an increase of 10% in the real property assessable base, and proposes to maintain the current tax rate of \$0.53 per \$100 of assessed real property valuation, which will yield an estimated \$1,655,424 in real property tax revenues, or 8% more than in FY 2018.

At 7:04 p.m., Mayor Jewitt opened the public hearing. With no comments received, she closed the hearing at 7:05 p.m.

FY 2019 Public Safety Taxing District Budget (PSTD): Mayor Jewitt said in 2005 the Town established a special taxing district encompassing the commercial and industrial properties along Greenbelt Road, Branchville Road and Ballew Avenue to enhance public safety. It levies a \$0.12 tax on real property and a \$0.15 tax on personal property to pay for the salary and vehicle of one police officer, currently Detective Unger. It is proposed to leave this tax rate unchanged for the FY 2019 PSTD budget. On April 10, the Town met with representatives of the Commercial District

Management Authority (CDMA), who approved the PSTD budget.

At 7:06 p.m., Mayor Jewitt opened the public hearing on the PSTD budget. With no comments received, she closed the hearing at 7:07 p.m.

Ordinance 101 - Animals: MPT Kulpa-Eddy said this version of *Ordinance 101 - Animals* incorporates comments received at the March 14 Town meeting. Changes include clarifications to definitions of animal owner or custodian, public nuisance animals, public nuisance conditions, and the circumstances and responsibility for destroying animals. The Council was asked to refine or add standards on tethering, temperature ranges for outdoor shelters, space and socialization. Some changes were made to accommodate these concerns, but no agreed-upon standards for socialization could be identified for inclusion in the Ordinance. Further, the Council revised an animal complaint form to give instructions on how animal complaints may be filed under the revised Ordinance. Comments on all aspects of the revised Ordinance and the complaint form are welcome.

At 7:09 p.m., MPT Kulpa-Eddy opened the public hearing. Amanda Dewey, Quebec Place, commented. She thanked the Council for their work in updating the Animal Ordinance, which is a big step forward in managing animal problems in Berwyn Heights and promoting responsible pet ownership. The only area where further modification is warranted is setting stricter standards against tethering. Such standards have been adopted by other counties and municipalities in the USA, if not yet Prince George's County. She also welcomes the training of Town staff in handling animal issues.

At 7:11 p.m., Mayor Jewitt closed the hearing

3. Minutes

Clerk Harper read a summary of the March 14 Town meeting minutes. On a motion by CM Rasmussen, seconded by CM Shields, the minutes were approved 5 to 0.

4. Mayor's Report

Mayor Jewitt announced that the Town Council chose the Wolfinger family as the 2018 citizens-of-the-year. The Council appreciates and thanks Angela, David, and Leslie Wolfinger for volunteering their time and energy in promoting the Berwyn Heights Boys & Girls Club. They will be honored in a more formal fashion on Berwyn Heights Day.

Mayor Jewitt reported she and TA Cowles were invited to attend a meeting by the University Park Town Council, at which the establishment of a Town Administrator/ Manager was discussed. They were happy to share Berwyn Heights' experience. Mayor Jewitt and TA Cowles also attended an MML event, at which mayors and municipal officials read and ranked entries in the annual "If I Were Mayor" student essay contest. Winners will meet with the Governor and receive cash prizes.

Yesterday, Town officials met with CDMA representatives for approval of the FY 2019 Public Safety Taxing District budget. The Town explained how it uses the revenues generated from the tax to improve public safety in the commercial district, and informed the CDMA of a business landscaping contest the Parks & Recreation Department is holding this year. SHA performed a traffic study of the intersection of Greenbelt Road and 58th Avenue. As a result, the traffic light will be changed to allot more time for pedestrians to cross Greenbelt Road. Lastly, Mayor Jewitt thanked all chairs of Town organizations, who presented their budgets at the March 23 budget worksession.

5. Department Reports

Administration: MPT Kulpa-Eddy highlighted changes in the Administration Department budget. The hours of the Town Clerk will be increased to full-time, with the additional funding coming from the cable budget, as the Clerk is handling the Town's broadcasting and video streaming functions. The auditing appropriation is going up because the Town's auditing firm has increased their fees, but utility expenses for the Town Center and Town office are going down due recently installed energy-efficient equipment. Otherwise, this budget remains much the same.

MPT Kulpa-Eddy further reported that she attended *Coffee with Cops* last Saturday, which was attended by many residents and businesses. She also attended the Mariachi concert on Sunday, and appreciated their efforts to explain the meaning of their songs. Lastly, a Family Tree Adoption program is going on now that allows County residents to obtain and have trees and shrubs planted for free. Applications are available at www.myghep.org.

Treasurer's Report: Treasurer Rodriguez gave the Treasurer's report for March. She noted that the Town received a cumulative payment of \$63,300 in paid liens from the County. The County mistakenly liened one property \$25,000 in unpaid taxes instead of \$2,500, the balance of which will be returned to the County.

Town Administrator's Report: TA Cowles reported that the month of March was largely taken up by the budget, which was discussed at a special March 23 budget worksession and continues to require follow-up work. She also solicited proposals from executive search firms to recruit for the Town Administrator position, and discussed performance evaluations with all employees. Looking ahead, she continues to work with DHCD on the bond issuance application, and with Greenbelt and College Park on preparing the Greenbelt Road Corridor technical assistance panel scheduled for June 4-5. Public Works is soliciting proposals for tree work identified in the 2016 tree inventory. She and Director Hall have met with an architect to discuss steps that might be taken to relocate the Police Department at the Town Center.

Code Compliance: TA Cowles reported for Code Supervisor Glass, who had an excused absence. A total of 32 code violations were issued in March, as well as 2 building permits, and 3 dumpster permits. One new rental was registered, 16 rental inspections conducted and 2 re-inspections. The number of rental homes numbered 214 and vacant properties 10.

CM Rasmussen gave an overview of the Code Compliance budget. The overall Code department budget is up 14.8% but this largely reflects the transfer of the business licensing function from Administration to Code. Revenue from building permits is projected to increase by 25% (\$3,000), assuming the Town continues to issue such permits. The increase is due to increased building activity. Revenue from Code fines is projected to decrease by 33% (\$5,000) because the Department is pursuing a policy of negotiating with residents to achieve compliance.

CM Rasmussen made remarks about the meetings and events he attended. At a Seniors' Club meeting concerns were expressed about recycling monitors on Berwyn Heights Day, who would help guests to place trash into the proper bins. The resident was under the mistaken impression that Public Works will now begin to check people's recycling bins. At *Coffee with Cops*, residents commented about the County issuing more building code violations. At the recent CDMA meeting, he met longtime manager and general counsel of the Beltway Plaza and Staples properties, Kap Kapistan. He was impressed by

his extensive knowledge of the local commercial market and demographic profile of customers. Mr. Kapistan and other business owners were appreciative of the police services provided by BHPD.

Parks and Recreation, Education and Civic Affairs: CM Shields thanked residents for all the input he received on various projects he is working on and encouraged residents to come out for Berwyn Heights Day on May 5. The Recreation Council and Mr. Isler have been working hard to put together a great program. The budget of the Parks & Recreation Department went up to \$37,900, a 25% increase, and provides additional funds for the Recreation Council's event program and the Green Team's public outreach efforts. The NW/EP Committee and Boys & Girls Club also received an increase in funds appropriated in the Public Safety and Sports Park budgets, respectively.

Stephen Isler, Parks & Recreation aide reported that he attended recent meetings of the Historical Committee and NW/EP. NW/EP is working with Public Works to devise a maintenance schedule for the emergency trailer. A CERT class is planned for June. Further, the Recreation Council will hold an extra meeting on April 17 to finalize Berwyn Heights Day. Residents are encouraged to volunteer for any of the Berwyn Heights Day activities. The March 31 Easter Egg Hunt was very well attended.

CM Rasmussen, in an addendum, noted that a resolution setting forth 'POD' permit fees has been updated to replace the trademark name with the generic term 'temporary storage unit.' The revised resolution is posted on the Town website. He also noted that PRECA aide Isler has been named "teacher of the year" at Robert Gray Elementary School and is in the running for the County's "teacher of the year" award.

At 8:04 p.m., CM Shields requested permission to leave the meeting as he just returned from a trip abroad. He expressed his support for the bond ordinance that will be introduced later in the meeting. In this he complies with citizen comments that the Council focus on essential services.

Public Health and Safety: Chief Antolik said Coffee with Cops was a success with some 30 residents in attendance, including several Councilmembers. Sponsors included the Seniors Club, 7 Eleven, Bagels & Grinds, Greenbelt Road Shell and Domino's Pizza. Chief Antolik continued with the police activities report for March. There were 5 Part I offenses, slightly above the monthly average of 3.8. The year-to-date total is 14 which is about average. The Police also issued 145 state and municipal citations and 42 speed camera tickets, all on Greenbelt Road.

Mayor Jewitt congratulated Chief Antolik on his 2nd successful *Coffee with Cops*, a great opportunity for residents to interact with the officers. She noted that the FY 2019 budget appropriates additional funds to purchase decibel readers. Chief Antolik explained the decibel readers will be placed in each of the officers' vehicles so they will no longer have to return to the station to pick up a reader when they encounter a possible noise violation.

Public Works: CM Dennison welcomed the new Public Works Administrative Assistant Ana Romero. Director Hall reported that Ms. Romero is off to a good start. On March 21, the Public Works crew did a great job clearing the streets after a late season snow storm. Staff was also busy installing LED light fixtures in the storage room, replacing street signs and posts to comply with latest regulations, turning on the water fountains at Sports Park and Pops Park, and obtaining estimates for a new HVAC system in the G. Love Room. When the weather gets warmer, thermo-plastic cross walks will be installed and curbs painted.

Director Hall also reported the refuse disposal statistics, led by solid waste with 85.6 tons, yard waste 51.3 tons, recyclables 23 tons, and scrap metal 4,100 lbs. Yard waste volumes were higher because residents do yard cleanup at this time of the year. Six new recycling bins were delivered to residents' homes and a problem with the motion detector for the new electronic gate at the Public Works yard has been fixed.

6. Committee Reports

Green Team: Chair Amanda Dewey reported the Green Team will celebrate Arbor Day on Berwyn Heights Day. Many interesting activities are on the program, including a guided tree walk, tree sapling give-away and a children's scavenger hunt. Volunteers are being recruited to help people recycle their trash correctly.

Further, Pepco is partnering with the Arbor Day Foundation to offer free trees for spring planting. Applications can be found at <http://www.arborday.org/pepco>. The Green Team is starting a monthly community cleanup day to reduce litter in the Town. The next cleanup is on May 12 at 10:00 a.m. Lastly, Ms. Dewey reminded residents of a recycling facility field trip on April 27. Participants will be given a free tour of the facility and learn the reasons behind the County's recycling regulations.

Historical Committee: Chair Debby Steele-Snyder reported that the spring reception and book signing with Aaron Marcavitch, Executive Director of the Anacostia Trails Heritage Area, had a great turnout. A new cabinet has been installed in the Town museum and a new exhibit is being put together. The Committee will again have a tent on Berwyn Heights Day and dispense information about Berwyn Heights history and historic homes. A new historic homes magnet will be available for those who stop by the booth.

Neighborhood Watch/Emergency Preparedness: No report.

Recreation Council: No report.

7. Unfinished Business

There was none.

8. New Business

Ordinance 175 - 1st Reading & Introduction of FY 2019 General Fund Budget: CM Dennison moved and CM Rasmussen seconded to consider the Ordinance read. The motion passed 4 to 0. CM Dennison moved and CM Rasmussen seconded to introduce the General Fund budget. The motion passed 4 to 0.

Ordinance 176 - 1st Reading & Introduction of FY 2019 Public Safety Taxing District Budget: CM Rasmussen moved and CM Dennison seconded to consider the Ordinance read. The motion passed 4 to 0. CM Rasmussen moved and CM Dennison seconded to introduce the PSTD budget. The motion passed 4 to 0.

Ordinance 177 - Bond Issuance: TA Cowles read the adopting language of the Ordinance. She explained that the Council decided at the last worksession to move forward with the bond issue administered by the Maryland Department of Housing & Community Development (DHCD) to finance

Phase II of a comprehensive road repair project. The DHCD bond program works with a bond counsel who is widely respected in Maryland. The cost of bond counsel is wrapped into the bond issue. DHCD also provides the templates for the bond ordinance and other documents required for the bond issue, which are in the process of completion. The Ordinance to be introduced tonight has a schedule for the annual debt service attached.

MPT Kulpa-Eddy commented that she supports the bond issue despite the Town's long record of being debt free because Town streets are in dire need of repair. This is a good time to undertake the project as the current Public Works Director is very knowledgeable about road repairs, and because prices for the County road contractor are fixed until next year. Phase I of the road project will be paid with funds set aside in the infrastructure reserve. The infrastructure reserve continues to be replenished by a 3-cent road tax and Highway User Revenues (HUR) likely to be restored this legislative session, which will be sufficient to pay for the debt service on the bond.

CM Rasmussen said this bond issuance represents a break with a long-standing Council practice not to incur debt to pay for major projects and expensive equipment, but instead to set aside money in reserves and make cash purchases. This is how the Town has paid for its Public Works and Police vehicles and minor road repairs over the last 10 years; however, one can only patch roads for a limited time. The bond issue will enable the Town to complete a multi-year \$2.1 million project bringing the roads up to standard in 2 years, with half of the project cost paid in cash and half financed with a bond issue. The Council has carefully weighed the options, and he supports the decision to move forward with the bond issue. He hopes to hear from residents on the matter.

Mayor Jewitt said she supports the bond issue wholeheartedly. She feels strongly that the planned road repairs are necessary, and is glad the Town could take this project on without impacting other areas of the budget. So far, she received 5 citizens comments, all in favor of moving forward with the project. She is looking forward to more comments.

CM Dennison moved and MPT Kulpa-Eddy seconded to introduce the Bond Ordinance. The motion passed 4 to 0.

Ordinance 121 - Powers & Duties 1st Reading and Introduction: Clerk Harper read the adopting language of the Ordinance, which defines the powers and duties of the Town Council, the Councilmembers and the Town Administrator/ Town Manager. Mayor Jewitt explained the departure of TA Cowles triggered a discussion about the responsibilities this position entails. The Council concluded that the title Town Manager more accurately reflects her responsibilities, which includes the daily supervision of all Town departments in addition to the Administration Department. For the purposes of recruiting a replacement, the Town plans to use the Town Manager title. TA Cowles added the Town Administrator position in Berwyn Heights encompasses both the role of Chief Administrative Officer (CAO) and Chief Financial Officer (CFO), as well as day to day Town management and departmental oversight. The role of a Town Administrator is usually limited to financial and risk management and the supervision of the Administration Department.

MPT Kulpa-Eddy expressed concern that the use of the Town Manager position title is inconsistent with the Town Charter, which uses the term Town Administrator. While she agrees with a switch to the Town Manager title and advertising the position as such, she would prefer to change the Charter at the same time. She believes the use of the Town Manager title really indicates a shift to a different system

of government requiring a Charter Amendment. TA Cowles said the Town Attorney advised that the Council may change the title independently of the Charter. MPT Kulpa-Eddy disagreed with Attorney's interpretation, but would consider the explanation, if given in writing.

CM Rasmussen, referring to *Section 706.1 - Town Administrator* of the Charter, said he interprets Town Administrator to mean someone who administers the affairs of the Town in a general sense, rather than a specific title. Mayor Jewitt suggested that the Council introduce the Ordinance tonight, but discuss next steps at the April 16 worksession. She asked TA Cowles to contact the Town Attorney for further clarification.

CM Dennison moved, and CM Rasmussen seconded to introduce amendments to Ordinance 121. The motion passed 4 to 0.

9. Citizens Discussion

MPT Kulpa-Eddy received a comment about a traffic counting device on Pontiac Street.

The meeting was adjourned at 8:50 p.m.

Signed: *Kerstin Harper*, Town Clerk