



TOWN OF BERWYN HEIGHTS

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MAYOR
Stephen D. Isler
COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Ethan D. Sweep
Jeffrey Jay Osmond

Town Meeting Minutes February 13, 2019

The meeting was called to order at 7:00 p.m. Present were Mayor Stephen Isler, Mayor Pro Tem (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey, Ethan Sweep and Jeffrey Osmond. Also Present were Town Manager (TM) Maria Broadbent, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, Chief Kenneth Antolik, Police Intern Rosa Hernandez, Public Works Director Kenneth Hall, Code Officer Holly Goodwin and citizens.

1. Approval of Agenda

TM Broadbent requested amending the agenda to add Resolution 5-2019 adopting a fee & fine schedule for Ordinance 118 – Roads & Public Rights of Way. CM Sweep moved and CM Dewey seconded to approve the agenda as amended. The motion passed 4 to 0.

2. Swearing-in of CM Jeffrey Osmond

Mayor Isler swore in Jeffrey Jay Osmond as the 5th Councilmember.

3. Approval of Minutes

On a motion by MPT Papanikolas, seconded by CM Sweep, the minutes of the January 9 Town meeting minutes were approved 4 to 0.

4. Mayor's Report

Mayor Isler reported that State Highway Administration (SHA) representatives gave a presentation on the proposed reconstruction of I-495, I-270 and the Baltimore-Washington Parkway at the last Four Cities Coalition meeting, which was met with skepticism by the many residents in attendance. The Councils intend to publicize upcoming SHA hearings at which citizens can continue to give input on the project. Mayor Isler announced changes to the departmental assignments of Councilmembers following the swearing-in of CM Osmond: Mayor Isler will lead the Police Department, MPT Papanikolas will move to Administration, CM Osmond to Code Compliance, CM Dewey to Parks & Recreation and CM Sweep will remain with Public Works. Further, Mayor Isler had a good meeting with County Councilmember Glaros, who promised support for a dog park and a feral cat spay/neuter initiative. He also attended a PGCPs budget meeting with Interim Superintendent Goldson.

5. Department Reports

Town Manager's Report: TM Broadbent reported that the Administration Department has been busy working on the FY 2020 budget, including new financial controls, options for electronic payments and changes to fee and fine schedules. She is also helping prepare the next round of budget enhancement requests from the Public Works and Administration Departments to be presented at the next worksession.

Treasurer's Report: Treasurer Rodriguez gave the report for January 2019. Major revenues included \$484,000 in real property taxes and \$20,000 in grant funds for the purchase of a hybrid vehicle for the Administration Department. Additionally, the Town is working on implementing electronic check depositing capability for the Administration and Police Department. This will enable checks to be deposited faster and more securely.

Code Compliance: Code Officer Hollyce Goodwin reported for Supervisor Glass. The Code officers conducted a total of 31 rental inspections, processed 17 code violations, 4 of which have since been closed, and issued 4 building permits. The Department is monitoring the preparations for a major renovation of the McDonald's restaurant at 6219 Greenbelt Road. The restaurant will be rebuilt with 2 drive-through lanes and self-serve touch screens for faster service. Additionally, a new sidewalk will be constructed along the 63rd Avenue frontage, which will require permits from the Town. Residents are reminded that a Town building permit is required whenever a County permit is pulled to undertake residential construction and home improvement projects and to place refuse containers at the curb by 7:30 a.m.

Parks & Recreation: CM Dewey said she is excited to be leading the Parks, Recreation, Education & Civic Affairs Department. Her top priorities are to complete a Town organizations policy and to reconfigure the Education Advisory Committee to bring it back to life. Upcoming events include a Town cleanup on February 16 and a special budget workshop on March 23, at which Town organizations may present budget requests. As a member of the UMD campus community connection (c3), the Town has been assigned a UMD student to help the town with environmental initiatives. She will assist with the raingarden event and tree education, among other things.

Public Works: Public Works Director Hall reported that Public Works performed several minor repairs in the Town office and the Senior Center. New garage doors were installed at the Public Works building. The motor operating the doors broke and was replaced by the vendor at no charge. Director Hall has worked on the FY 2020 DPW budget request and contracted for an assessment of the condition of Town streets with an independent vendor. A map showing street conditions was made available in the agenda packet. Lastly, he reminded residents to park off the street during the snow storm forecast for this weekend.

In response to questions, Director Hall and TM Broadbent said that Public Works begins picking up refuse at 6:30 a.m. when they begin their workday. This may be in conflict with Town code which might be due for a review. Further, Public Works maintenance of the pedestrian bridge includes checking for possible needed repairs and picking up litter and emptying trash cans. As a recycling goal, Public Works aims to reach a rate of 40% of all refuse. Larger recycling containers and recycling education will help getting closer to that goal.

Phil Ventura, 57th Avenue thanked Public Works for cleaning up leaves around storm drains to prevent them from clogging.

Public Safety: Chief Antolik congratulated Officer Rufino on her promotion to Private First Class. She is receiving training to handle complaints about animals. BHPD also has a new Police intern, who is present to introduce herself. Rosa Hernandez said she is a junior at Bowie State University studying criminal justice and is looking forward to helping BHPD with various tasks.

Chief Antolik then gave the police activities report for January. There were 7 Part I offenses, somewhat higher than the 5-year average of 5.2. BHPD made 2 arrests, impounded 8 vehicles, wrote 178 state and municipal citations and issued 13 speed camera tickets.

In response to CM Dewey, Chief Antolik said that it is a violation to leave a car idling unattended with the keys in the ignition, even when parked in a driveway. However, with keyless entry on new vehicles, vehicles can be started without a key inside the vehicle.

6. Committee Reports

Education Advisory Committee: CM Dewey encouraged residents to contact her if they are interested in joining the Education Advisory Committee.

Green Team: CM Dewey announced the Green Team's next meeting on March 12, the Town Cleanup on March 16 and a Raingarden Planting Picnic on March 30.

Historical Committee: Chair Richard Ahrens said the BHHC has submitted a budget request for FY 2020, which he will present at the March 30 budget workshop. The focus of BHHC activities is on collecting oral histories from the older residents of the Town. For its spring event, the BHHC is co-sponsoring another trivia night with the Recreation Council on April 5, 7:00 p.m. There is interest among the seniors in watching the event on TV if it can be broadcast.

Neighborhood Watch/ Emergency Preparedness: Co-Chair Mike Attick reported that the CERT Team has been disbanded and the emergency trailer decommissioned due to old age. The Neighborhood Watch/ Emergency Preparedness (NW/EP) Committee will continue to function under the domain of the Berwyn Heights Police Department and focus on educating residents about how to help themselves during an emergency or disaster. Chief Antolik would like to recruit new members so that the Committee can do more things. Interested residents are welcome to attend the NW/EP's meetings on the first Wednesday of each month at 7:00 p.m. or call the Police Department at 301-474-6554.

Recreation Council: Chair Susan Jones reported on upcoming events, including a Pot o' Gold Potluck Dinner on March 16, a Team Trivia Night on April 5 and an Easter Egg Hunt on April 20, co-sponsored with the Berwyn Heights Community Center. The Recreation Council is already busy planning the next Berwyn Heights Day, which falls on May 4. Help is needed with organizing the parade and the many other activities. New ideas are welcome. Interested residents should attend the next Recreation Council meetings on March 5 and April 2 or contact her at violindreams@verizon.net.

7. Unfinished Business

There was none.

8. New Business

Ordinance 125 – Introduction of Small Cell Facilities Ordinance: TM Broadbent explained this Ordinance establishes regulations and permit requirements for installing the infrastructure for 5G wireless networks about to be deployed in Prince George's County. These small, short-range transmitters are frequently mounted on poles in the municipal right-of-way. The Federal Communications Commission (FCC) has recently issued a ruling that limits what regulations municipalities can impose on cellular service providers installing the networks. The proposed Ordinance complies with the FCC rule, but may have to be amended when Prince George's County

adopts zoning regulations for the technology. A resolution adopting a fee and fine schedule under this Ordinance will be forthcoming.

CM Dewey moved, and MPT Papanikolas seconded to introduce the Ordinance. The motion passed 5 to 0. CM Dewey asked if this Ordinance becomes effective with this vote since there are references to an ‘emergency ordinance’ in the adopting language. TM Broadbent said this is not an emergency ordinance and the references should be struck. In response to other questions, TM Broadbent said a provision requiring providers to keep cables tidy is in the Ordinance. Providers will pay an installation permit fee as well as an annual fee. CM Dewey moved to amend the Ordinance to strike the reference to ‘emergency.’ CM Sweep seconded. The motion passed 5 to 0. Adoption of the amended Ordinance will take place at the March Town meeting.

Phil Ventura, 57th Avenue, and Mike Attick, 62nd Avenue, commented.

Resolution 2-2019 – Code Compliance Staffing Changes: Clerk Harper read the Resolution. TM Broadbent explained that, due to attrition in the Code Department, there is the opportunity to combine two part-time positions into one full-time position. This Resolution authorizes the creation of the full-time position, as well as the acquisition of a business management module of the code tracking software, *Comcate*, to allow for more efficient processing of business licenses and taxes. Retiring Code Clerk Zelda Bell will be kept as a contractor for the remainder of the fiscal year to help the Code Department transition back to using *Comcate* for all types of code activities.

In discussion, Councilmembers noted that the more efficient management of business and rental licenses should lead to better capturing of revenue, eliminate mistakes resulting from cutting and pasting information in spreadsheets, and afford better coverage of the Code office with two full-time staff working during the day. TM Broadbent said she expects to see improvements in productivity within 6 months, based in part on using a collection agency to collect unpaid fees and fines.

In response to Mr. Attick and Mr. Ventura, TM Broadbent said she thinks *Comcate* is working fine; the current problem is that staff has not kept up with its use. The future Code Department would have two full-time employees, a Code Supervisor and a Code Officer II, and one part-time employee for evening and weekend inspections. With no further comments, MPT Papanikolas moved and CM Osmond seconded to approve the Resolution. The motion passed 5 to 0.

Resolution 3-2019 Use of Electronic Payments Allowed: Clerk Harper read the Resolution. TM Broadbent explained that the Town is issuing hundreds of paper checks each year to pay its bills. The Resolution clarifies that the term ‘check’ in the Town Charter also applies to electronic fund transfers, a more efficient, secure and faster way to pay for one’s obligations. Electronic fund transfers will still be countersigned by a Councilmember and herself before the Treasurer will be authorized to make a payment. The payments will be reconciled and audited at the end of the fiscal year. CM Sweep moved and CM Dewey seconded to approve the Resolution. The motion passed 5 to 0.

Resolution 4-2019 – Amending Ordinance 104 Building Fee & Fine Schedule: Clerk Harper read the Resolution. TM Broadbent explained, in response to citizen comments, the Town recently lowered its building permit fees. This Fee & Fine Schedule takes the additional step to differentiate between commercial and residential building permits and charges different sets of fees. The new fees better reflect the level of effort that goes into processing these permits, charging higher permit fees for larger, more complex construction projects. Further, the Resolution 1) fixes residential fence and deck permit

fees at \$25, rather than charging the same fee as the County; 2) establishes a new permit fee for new home construction and for demolition; and 3) raises the fine for working under a 'stop work order' to \$1,000 per day.

Mayor Isler had a couple of corrections. CM Osmond moved to amend the Resolution. CM Sweep seconded. The motion passed 5 to 0. CM Dewey moved, and CM Osmond seconded, to approve the amended Resolution. The motion passed 5 to 0.

Resolution 5-2019 Ordinance 118 Roads & Right-of-Way Fee & Fine Schedule: Clerk Harper read the Resolution. TM Broadbent explained the Town has an ordinance that regulates activities that take place in the Town's public rights-of-way, but it has no associated fee & fine schedule. The Resolution would adopt a schedule to be able to collect fees when a utility, a corporation, or a home owner applies for a permit to perform construction or installations in the Town right-of-way. The fees are a percentage of the estimated value of the construction project, i.e.:

- Value of construction up to \$250,000 - \$10% of value of construction
- Value \$250,000 or greater - \$8% of value of construction
- Driveway apron (residential only) - \$40

In response to questions, TM Broadbent said the fees are similar to those charged by the City of Greenbelt, but the percentages are simplified. The fees will apply to all work done in Town rights-of-way, including those in connection with the McDonald's renovation at 6219 Greenbelt Road.

Further, public utilities would also be charged permit fees, with the exception of WSSC. Since WSSC is a quasi-governmental agency, it is exempt. However, WSSC would be required to post a bond for resurfacing any disturbed road sections curb-to-curb. In addition to the permit fees, which are set to cover the effort of inspecting the project, applicants would also pay an application fee to pay for the effort of reviewing the construction plans. Permits would be issued by the Code Department from now on and they would coordinate with the Police and Public Works Department to monitor the project and ensure that it proceeds without problems. Inspection of driveway aprons would be carried out by the Public Works Director or a designee.

CM Sweep moved to adopt Resolution 5-2019. CM Dewey seconded. The motion passed 5 to 0.

9. Citizen Comments

Jodie Kulpa-Eddy, Ruatan Street, thanked the Council for allowing residents to comment throughout the meeting, and asked whether the Town has any information about a zoning hearing that is posted on Branchville Road. TM Broadbent offered to find out.

Mike Attick asked questions about parking off-road during snow events; about SHA's plans for widening I-495 and I-270; about possible solutions for the traffic backups on 58th and 60th Avenues before the Greenbelt Road traffic lights; about a contact email for TM Broadbent in the Bulletin; and whether the new electric vehicle charging station is functioning and requires payment. He was informed that requests to park vehicles off the street during snow events are a courtesy request only; that SHA will hold a series of workshops on the Beltway widening for which residents can sign up; that a hearing will be held on March 13 on proposed parking restrictions for 58th and 60th Avenue; that TM Broadbent's email will be added to the list of contacts on the back of the Bulletin, and that the charging station is in operation with no payment required at this point.

Mr. Attick also sought clarification about the salary for the proposed new full-time Code officer. TM Broadbent said the proposed salary of \$56,000 per year includes benefits and has been set to be competitive with neighboring jurisdictions.

Phil Ventura commented on the cost of charging an electric vehicle versus the cost of fueling a car with gasoline; the cost incurred by the Town because it had to redo sections of sidewalks that had been built as part of the 2015 sidewalk project but were not engineered correctly; and habit of some Town Center users to keep the door to the elevator lobby propped open in sub-freezing weather and not to turn lights off after leaving the premises.

The meeting was adjourned at 9:31 p.m.

Signed: *Kerstin Harper*, Town Clerk