



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

Minutes Worksession April 1, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Kulpa-Eddy. Also present were Town Administrator (TA) Murphy, Clerk Harper, Budget Assistant Kyle Snyder and representatives of the Greenbelt Station south core development.

1. Mayor

Announcements: Long-time resident Audrey Foster passed away on March 24, leaving behind her husband of 72 years Calvin Foster and Son Calvin, Jr. The mother of former Public Works Director Joe Coleman Louise Labik also passed, as well as one of MPT Wilkinson's neighbors. The Greenbelt Middle School team made it into the science bowl semifinals.

Calendar: No changes were made. The April 27 date for electronic recycling and the June 22 date for the Town-wide Yard Sale need to be confirmed.

Minutes: On a motion by MPT Wilkinson and second by CM Kulpa-Eddy, the March 18 worksession minutes were approved 5 to 0. On a motion by CM Kulpa-Eddy and second by MPT Wilkinson, the March 25 budget worksession minutes were approved 5 to 0. The March 13 Town meeting minutes were distributed for review.

Department reports: Mayor Calvo reported that a burglary occurred at a home on Edmonston Road last Wednesday. The break-in showed signs of being more than a crime of convenience. Residents are urged to be vigilant and report anything suspicious. MPT Wilkinson reported that Acting Director Lockley has ordered the protective mesh for the grassy parking area adjacent to the T-ball field as well as the dual-purpose recycling/trash cans. Public Works also ground down the tree stumps along the Quebec Street side of the BHES field. CM Kulpa-Eddy reported that Code Director Solomon was out sick a couple of days last week, but is back in the office. CM Dennison announced upcoming events, including an April 19 talent show, an April 20 BHES garden cleanup and plant exchange, and an April 22 student mock town council meeting.

Citizen comments: Mayor Calvo noted that Berwyn Road resident Mark Winston had a letter to the editor about the death penalty published in the Washington Post. Mayor Calvo received a comment that the Town's state delegation is not very responsive to emails. He enlisted County Councilmember

Olson's help in getting WSSC to repair the damage done to his front yard when parking a truck there to trim trees. WSSC took 2 weeks to address the problem, but did a good job. MPT Wilkinson received a comment on tree trimming.

Sidewalks design & engineering: Mayor Calvo recalled that at the last worksession Brian Davila of C.P. Johnson & Associates gave an informative presentation on their proposal for design and engineering of sidewalks. Mr. Davila was able to address a number of concerns and questions the Council had about the project. Mayor Calvo liked CP Johnson's approach, which incorporates formal consultation throughout the process to ensure that the end product meets the Town's need, and is inclined to use this contractor. He asked the Councilmembers to give their opinions.

MPT Wilkinson said he also feels comfortable with CP Johnson. This engineering firm seems to have more experience working with municipalities and shepherding a project through the County agencies. CM Dennison asked if the Town had obtained any references. TA Murphy said that C.P. Johnson has been recommended by College Park and has worked with Hyattsville.

CM Kulpa-Eddy said she still has concerns about how the project is going to be paid for. If public safety reserves are used, she wants to make sure that \$80,000 is set aside in matching funds for the emergency generators. Mayor Calvo said the Town has committed itself to provide the funds necessary to match any grant the State of Maryland comes up with as part of the bond bill. Moreover, matching funds can just as well be taken from the surplus instead of the public safety reserve.

TA Murphy noted that approximately \$400 - \$550 per property is required for meets and bounds survey wherever a property line is in question. This is in addition to the \$40,000 quoted for sidewalks design and engineering. Mayor Calvo guessed that there are perhaps 12 such properties that require a meets and bounds survey, which would add another \$5,000 to the total.

Mayor Calvo asked for a motion to accept C.P. Johnson's proposal with funds to be taken from the public safety reserve. MPT Wilkinson so moved. CM Almoguera seconded. CM Kulpa-Eddy wondered if this leaves enough money in the reserve to pay for the part-time police officer, who administers the speed camera program. She also remained concerned about funding the actual construction of the sidewalks because the Town does not have enough money right now to pay for them.

Mayor Calvo said that in order to move forward with sidewalks the design and engineering has to be completed. Money for the construction can be found later. Some of the funding may materialize, when the Greenbelt Station development gets underway. TA Murphy said the public safety officer wages have already been budgeted and are no longer counted as part of the public safety reserve. CM Dennison said that the Town has already spent \$50,000 toward planning the sidewalks, which would have been spent in vain if the project does not move forward. The Council voted 4 to 1 to approve the proposal, with CM Kulpa-Eddy opposed.

Greenbelt Station detailed site plan: Mayor Calvo welcomed Norman Rivera, who has represented developers of the Greenbelt Station south core since 2000. Mr. Rivera introduced the new team of developers: Michael German and Justin Frye with Woodlawn Development Group, Alex Villegas and Bryan Turton with Dewberry Surveyors and Engineers, and Steve Fishman and Ryan MacCauley representing the builders Ryan Homes and NVHomes. Mr. Nivera said that last year the property

owner, Suntrust, updated all the agreements with stakeholders. In February, Woodlawn Development purchased the south core after the property had gone into foreclosure. The City of Greenbelt, had a meeting with the developers a couple of weeks ago at which they approved the plans. A staff meeting with Park & Planning to review the plans has been set up. The plans have not changed since 2006 when the previous developer had gone through the review process. The stage is now set to move forward and begin building.

Mr. Rivera said that, pending approval from the County, Ryan Homes and NVHomes will begin building 115 town homes, 92 two over two condominiums and 302 apartments per the existing approved plans in phase I this year, with the first people moving in next fall. Another 44 Town homes and 38 condominiums will be built in phase II. Phase III would see construction of a mixed use retail, office and apartment complex in the north-west corner of the south core. While a requirement of the overall concept, no detailed site plan is yet available for the phase III complex. A slide show of the proposed homes was shown. Mr. Rivera noted that the homes conform to the latest Department of Energy (DOE) energy efficiency and water management standards.

Mr. Rivera continued that the estimated cost for the town homes is in the \$300,000 - \$400,000 range, and for the condominiums in the \$200,000 to \$300,000 range. Per development agreement, the Town of Berwyn Heights would receive the first compensation payments as soon as building permits are issued by Prince George's County. In addition to the dwellings, the connector road, to be called Greenbelt Station Parkway, will be completed through the south core. A series of hiker-biker trails along the edge of the development and to the Metro Station would also be added. The trails will connect to the Indian Creek trail system via Branchville Road. A proposed pedestrian bridge to North College Park was blocked by College Park residents.

In response to Councilmembers questions, Mr. Rivera said that he does not know where children from the new development would go to school. The county's school board will make that decision. Mayor Calvo and MPT Wilkinson said that this is important for Berwyn Heights to know. If families are to move into the south core next fall the school board needs to decide the boundary issue this year.

Regarding traffic flow into and out of the development, Alex Villegas said that the developers are currently talking with SHA about the intersection of Greenbelt Station Parkway and Greenbelt Road. To begin with, a new traffic light will be installed, and, on the eastbound lanes of Greenbelt, one turn lane of approximately 300' in length will be built. A second turn lane will be added when the north core is developed. On the west bound lanes of Greenbelt Road one inbound and one outbound turn lane are proposed. Mayor Calvo expressed concern about the turning traffic leading to backups on Greenbelt Road. This already happens during rush hour.

Regarding ownership of the industrial properties on Branchville Road, Mr. Rivera said he believes the former Hercules Fence property was bought by PNC bank, whereas the properties on the south side now belong to Woodlawn. They were needed to build the bridge over Branchville Road into the development. There are no plans as to what might be built there. The billboards cannot be taken down because they have a long-term lease. Branchville Road itself will be repaved. A sidewalk will be added along the north side with connections to the Parkway and the trails in the stream valley.

Mayor Calvo said that the Berwyn Heights Volunteer Fire Department (BHVFD) is interested in a new location. The developers were encouraged to meet with the BHVFD.

Mr. Rivera said that the next steps are obtaining a letter of support from the City of Greenbelt, which will be provided to Park & Planning as part of their certification of the detailed site plan (DSP). A meeting with Park & Planning at the staff level is scheduled to review the plans. Once the DSP has been approved, the permit packets will be submitted to the County and Berwyn Heights will be notified. When permits are issued, Berwyn Heights will receive the payments based on the number of units permitted.

Mayor Calvo thanked Mr. Rivera and the developers for their presentation. MPT Wilkinson left the meeting.

Pepco MOU: TA Murphy provided a draft of revised Town Ordinance No. 118, Roads & Public Rights of Way, to serve as the basis for requiring Pepco and other utilities to obtain a permit when they perform work in the Town right-of-way. The revised Ordinance more broadly applies to all utilities because they frequently do not comply with Town standards when restoring disturbed areas. In particular, road repairs that follow the repair of water, sewer and gas lines, are often sub-standard. TA Murphy said that Ordinance No. 118 currently has a requirement that contractors pay a cash deposit of up to \$1,000 when they apply for a permit. The deposit is returned when the road or right of way is restored to Town standards. The revised Ordinance states that a deposit of \$1,000 or more can be required to cover the potential cost of restoring roads to prior condition. The size of the deposit would be based on the estimated cost of the repairs.

The Council discussed the proposed revisions. With regard to paragraph 1 of Section 1, there was disagreement on whether a deposit *may* or *shall* be required when a permit application is filed. CM Dennison thought that utilities and private contractors should not be given the impression that a deposit is optional. Mayor Calvo said that, if the deposit size is based on the estimated repair cost, the restoration costs in some cases could be so large as to make a deposit prohibitively expensive. Therefore, the Town may not always want to require a deposit. CM Almoguera asked whether municipalities have the legal authority to require public utilities to take out a permit. Mayor Calvo agreed that this needs to be confirmed. However, even without a permit requirement, utilities should still be required to restore roads and right-of-ways to Town or County standards.

CM Kulpa-Eddy thought that language in paragraph 2 of Section 1 is too specific and restrictive. It states that “all permits, when required by the Town Administrator, shall be accompanied by an itemized cost estimate and signed by a professional engineer, and be accompanied by specifications peculiar to the scope of work covered by the permit and the suitable tracings of detailed plans of the standard size of 24 x 36 inches.” Mayor Calvo agreed that this is a little overbearing. However, he thinks the Town Administrator should have the authority to require plans of the proposed work and any proposed repairs. The plans' specificity should be defined by the Town Administrator, but there should be an appeals process to the Ordinance, whereby contractors can seek redress for any imposed requirements with the Town Council.

Mayor Calvo said that language in paragraph 3 of Section 1 should be amended so as not to give the Town Administrator *unlimited* authority to modify a permit. Any authority granted to the Town Administrator would also be subject to the appeals process. Further, the 3rd paragraph in Section B, should be revised to include successor legislation to the particular section of the Code of Maryland (COMAR) cited. CM Kulpa-Eddy noted that the language in paragraph 2 of Section 7 should be

revised to ensure parallel sentence construction.

Mayor Calvo said, overall, he likes the approach of requiring permits for all work performed on Town property, rather than focusing specifically on Pepco. As with the Town's other ordinances, fines and fees should be set by resolution. The unchanged parts of Ordinance 118, such as Sections 3 – 6, seem somewhat over-matched by the new provisions and may have to be re-written, including the fines imposed for violating these sections.

Police car letter of intent: Mayor Calvo explained that the police need to provide a letter of intent to a dealer to order a new police car for the beginning of the new fiscal year. CM Kulpa-Eddy asked if a car can be purchased without a letter. TA Murphy said that the Town may not be able to get a police car without a letter because other municipalities also purchase their vehicles at the beginning of the new fiscal year. The letter serves to preserve the price and delivery of a new vehicle. The letter does not imply an obligation to purchase the vehicle. CM Dennison moved, and CM Almoguera seconded to authorize a letter of intent. The motion passed 4 to 0.

Bulletin cover: The following items were approved for the cover of the May Bulletin: Theme – Berwyn Heights Day; headlines – FY 2014 budget adoption and Town-wide yard sale.

Nothing was discussed under 6. Code Compliance.

7. Budget

TA Murphy provided detailed information on several aspects of the budget requested by the Council. He said that the auditor did not include the 2011 and 2012 July and August income tax receipts in the prior fiscal year, as should have been done. He thinks this is partly due to the State no longer providing a letter of explanation with disbursements and partly the inexperience of the staff member performing the audit. However, he still expects the initial projection of \$378,000 in FY 2014 income tax receipts to hold up. Mayor Calvo commented that it is a serious problem to have the wrong actuals reflected in the audit. A letter noting the correct numbers should be included in the next audit.

TA Murphy provided a spreadsheet showing the monthly expenditures for the Health Reimbursement Account (HRA) since 2009. Costs include a small yearly setup fee and monthly administrative costs totaling approximately \$1,200. The utilization of the HRA is low with 3 - 4 claims per month, and reimbursement costs total around \$10,000 per year. Monthly usage numbers also show that there is no rush at the end of the fiscal year for doctors' visits. The money set aside for the HRA will be reflected in the next audit, essentially like a reserve.

TA Murphy explained a spreadsheet tracking police fines and forfeitures over the last 4 years. There has been a decline in citations from 776 in FY 2010, with receipts totaling \$36,300, to 609 in FY 2012 with receipts totaling \$26,300. This year, 364 citations have been issued so far, but a significant amount of unpaid fines are outstanding that will be paid when drivers cannot renew their registrations. Mayor Calvo said he thinks the drop-off in citations reflects a decline in enforcement of parking violations, not a decline in parking violations per se. He continues to observe parking violations when walking through Town. In addition, some of the parking fines, which have been at the same level for many years, should probably be raised. They include fines for abandoned vehicles, blocking of private driveways, parking in front of fire hydrants, and parking in the same place for longer than 72 hours.

Mayor Calvo said that he would like the Council to consider restoring some money to the FY 2014 budget. He proposed 1) to take out \$40,000 from surplus for the next 3 years, until the next reassessment; and 2) to plan to raise the real property tax rate by 1 to 1 1/2 cents in FY 2015 and FY 2016 to pay for cost of living increases. However, if other revenues materialize, the tax rate may not need to be raised. CM Kulpa-Eddy suggested using the Greenbelt Station compensation funds to tide the Town over. Mayor Calvo said that this may cause a structural problem, but would consent to using the money if real estate values are increasing at a healthy rate.

On the expenditure side, Mayor Calvo proposed to add 16 hours to the part-time police officer position, which would cost around \$16,000. Ten hours of the officer's salary, however, would continue to be paid from the public safety reserve. CM Kulpa-Eddy commented that she would add more hours, if possible. Mayor Calvo continued that he would also add around \$10,000 to the Public Works budget, so that they can hire temporary laborers or give more hours to the part-timers when the workload gets heavy. Lastly, he would add between \$5,000 - \$10,000 to the merit pool. Like last year, he would use the merit system to give all employees a cost of living increase plus an increase based on merit, effective November 1.

CM Almoguera noted that she does not like combining COLAs and merit pay. She asked for a cost break down for a separate COLA and merit pay increase. Her other priorities for restoring money for additional hours in the Police and Public Works Department. She is concerned that the Public Works Acting Director also performs much of the administrative assistant's work. Lastly, she thinks that the best way to realize substantial budget savings is by reducing trash collection to once a week.

TA Murphy was asked to provide the unit costs for adding 16 hours for the part-time police officer and separate cost projections for a COLA and merit pay increase.

The meeting was adjourned at 9:55 p.m.

Signed: *Kerstin Harper, Town Clerk*

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