



# Town of Berwyn Heights

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## Minutes Worksession May 20, 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 and Budget Assistant Kyle Snyder.

### 1. Mayor

**Announcements:** None.

**Calendar:** The Council reviewed the calendar. The following items were proposed for discussion during the summer months: Ordinance No. 118 – Roads & Public Rights of Way, Ordinance No. 149 – Speed Camera Enforcement Program to change school hours and add a school zone; commercial vehicle MOU; and an emergency generator plan.

**Minutes:** On a motion by MPT Wilkinson and second by CM Dennison, the April 15 worksession minutes were approved 5 to 0. On a motion by CM Dennison and second by MPT Wilkinson, the March 22 budget worksession minutes were approved 5 to 0. On a motion by MPT Wilkinson and second by CM Dennison, the May 6 worksession minutes were approved 5 to 0.

**Department reports:** Mayor Calvo reported that last week Pepco was in Town to tidy up the Edmonston Road buffer. After removing logs and branches, they tilled and smoothed the area where they had cut down trees. They did a good job, but now a lot of trash that has accumulated in the buffer has become visible. MPT Wilkinson noted that no cleanup occurred north of Pontiac Street. TA Murphy said that they only cleaned up where they previously trimmed trees. Although they did some work north of Pontiac, they kept the buffer largely intact.

Mayor Calvo continued that the Prince George's County Municipal Association (PGCMA) held its annual meeting on May 16 in Riverdale Park. Isaac Truth from Bowie was elected president, and Emmett Jordan from Greenbelt was elected vice president. He was re-elected to the board and will continue to lead the effort to transform the PGCMA's former scholarship program into a more relevant education fund. The plan is to hold a middle school contest that rewards effective programs to raise academic performance among at-risk students.

Mayor Calvo also had a very good conversation with the Chief Academic Officer Arbogast about

Greenbelt Middle School. He praised Berwyn Heights and Greenbelt parents for getting an active PTA started, which made the difference in reversing years of academic decline. On the other hand, he thinks the school board's effort led by Peggy Higgins to send the school reforms package approved by the Maryland legislature last session to a referendum is counterproductive. If successful, the drive would freeze the school system in status quo until the next election 18 months from now, and put on hold the superintendent search.

CM Dennison announced upcoming events. CM Almoguera reported that the Love family planted a tree at the Town Center last weekend to memorialize their late mother, Geraldine Love, who ran the Town library for many years. Later, a bench and plaque will be installed as well. Playgroup continues to meet on Thursday mornings, alternating between Indian Creek and Pop's Park playgrounds. Play times for the infants playgroup vary. A new PG Consignment Facebook page was launched where parents can buy, sell and trade children's things. Parents interested in either the infants playgroup or the consignment store can contact CM Almoguera.

MPT Wilkinson reported that Public Works has set up all dual purpose trash/recycling containers throughout the Town and is doing a lot of grass cutting. CM Kulpa-Eddy said that high grass currently tops the list of Code violations.

***Citizen comments:*** Mayor Calvo received comments from Bill Love about planting a memorial tree for their mother and appreciates the Administration Department facilitating it. He also received a comment about mold problems in a rental home, about a home functioning as an apartment house, about the sweeper leaving dark oily marks on the streets, and a number of comments about tall grass. MPT Wilkinson received comments about high grass, especially at vacant properties. He noted that Public Works performed abatement at 6308 Pontiac Street, and appreciated Director Solomon for establishing contact with the bank that owns this property to ensure that it will be better maintained in the future.

***Town offices communications outage:*** Mayor Calvo said that last week the Town office had no telephone service for two days after a pole fire burned up the wires. However, there was internet service and emails did get through. The first notification about the problem was an email from Code Director Solomon. Currently, there is no protocol to deal with such an occurrence. He asked if the other Councilmembers have any thoughts about whether to establish some guidelines or policies to deal with a communications outage.

CM Almoguera said she agrees with setting up a procedure. Director Solomon was seeking her help that morning in dealing with a time-sensitive rental inspection as she was unable to reach the landlord by telephone. MPT Wilkinson said, if the internet is working, the Town's website, cable channel and Nixle should be the first resort to notify residents about the outage.

TA Murphy said the Town may want to switch to using its dedicated phone line, 474-5002, in that circumstance. Mayor Calvo said this is a good idea but still does not resolve the problem of how to inform everybody about using this number. He asked if it is possible for residents to at least leave a voice mail that can be answered when the phone system is operational again. TA Murphy said that he will have to look into it. The Town uses an internet-based telephone service, which automatically flips to a recorded message when staff cannot answer the phones.

Mayor Calvo said it would be useful to have a recording come on about the outage when the phones are

not working. However, another important aspect is to assign responsibility to someone for identifying the problem, communicating it to the Council, and making a plan to resolve the problem. CM Kulpa-Eddy said that the issue is addressed in the emergency manual, which the Neighborhood Watch/ Emergency Preparedness Committee is in the process of updating. The manual assumes that the first person to discover the problem would be responsible for notifying the Council and take other initial steps. MPT Wilkinson said that normally the Town Administrator is responsible for handling the response. He has access to all the contact information for utility companies and phone vendors.

Mayor Calvo said the problem is that TA Murphy is often not here early Monday morning. In his absence, there should be a system in place to handle the response in any number of circumstances. CM Kulpa-Eddy said that the emergency preparedness manual will describe such a system. The NW/EP hopes to have a revised manual ready for the Council's review this summer so a final version can be published for National Preparedness Month in September. Mayor Calvo thought that the department directors need to have an input in the process. It may be useful to have a meeting to discuss a response to this type of problem. CM Kulpa-Eddy agreed. She thought it would be good to have the NW/EP participate in a directors meeting that discusses the response.

Nothing was discussed under **2. Code Compliance.**

### **3. Parks and Recreation**

***ATHA liaison appointment:*** Mayor Calvo explained that the Anacostia Trails Heritage Association (ATHA) has requested a formal letter of appointment for the Town of Berwyn Heights' representative to the ATHA's board of directors. CM Dennison moved and CM Kulpa-Eddy seconded to formally appoint M. David Williams as the Town's liaison to ATHA. The motion passed 5 to 0. Mayor Calvo will sign a letter to that effect.

At 8:14 p.m., the Council took a 5-minute break.

### **4. Public Safety**

***Police car authorization to purchase:*** Mayor Calvo said that the FY 2014 budget appropriates money for the purchase of a new police car. However, the Council has not yet received a formal quote needed to authorize the purchase. TA Murphy said that the estimated cost is \$28,000 for the police vehicle and \$5,000 for outfitting. The Council said that they would like to have a formal proposal to authorize the purchase. Clerk Harper looked through recent files to check if a proposal had been presented at an earlier worksession but could not find one. The item was tabled.

***Purple Line (discussed out of order):*** MPT Wilkinson explained that he attended a Purple Line open house on April 25 at which routing and infrastructure requirements for the streetcar line were discussed in detail. He spoke with their outreach coordinator and suggested they give a presentation at the next Four Cities Coalition meeting on July 27 in Berwyn Heights. He asked the Council if they would agree to an invitation. The Council thought it was a good idea and asked TA Murphy to issue a formal invitation. The meeting should be advertised to the residents.

***Police mutual aid agreement:*** TA Murphy explained that this agreement creates a framework for the parties to request and render police assistance from and to each other under certain circumstances. The agreement is similar to the Public Works mutual aid agreement to which Berwyn Heights is a party in that each municipality remains responsible for its staff and equipment. The parties to this agreement are

Berwyn Heights, Greenbelt, and Edmonston. The chief of police of the municipality requesting the aid is the incident commander.

Mayor Calvo explained that the agreement only includes the above municipalities because Berwyn Heights has a special relationship with them. Berwyn Heights and Greenbelt already back each other up regularly when an incident requires additional police, mainly because they share responsibility for the Greenbelt Road corridor. Edmonston is similar to Berwyn Heights in terms of size and housing makeup. Their police department employs former Berwyn Heights officers, including deputy chief Billy Sullivan, and they coordinate some activities such as firearms training. Edmonston will serve as a test case for future mutual aid agreements. Another reason why participation is limited for now is that Berwyn Heights police did not want to be obliged to back up larger communities such as Riverdale or Hyattsville that have a lot more crime. Backing them up would draw too many resources away from Berwyn Heights and become expensive.

CM Kulpa-Eddy asked if the agreement has a provision for declining an aid request, for example, when there is only one officer on-duty who cannot leave. She further noted that no reimbursements will be received for the service rendered. MPT Wilkinson said that Article IV, Paragraph 2 refers to a “command officer being able to request resources as may be necessary and available.” If the resources are not available, they cannot be sent to aid another municipality. CM Kulpa-Eddy thought that that, in part, answers her concern, but she would still like to have a clarification. She would also like to have clarification about Article III, Paragraph 5, as to what constitutes a “serious traffic offense” for which an out-of-Town officer may issue a citation.

Mayor Calvo asked Councilmembers to raise any questions they have about the agreement now or at the next worksession so they can be addressed before the agreement is adopted at the June 12 Town meeting. He would like the Chief to provide a cover memo explaining the content and include a provision to notify the Council whenever police assistance has been requested or given.

## **5. Public Works**

*Purple Line (discussed under Public Safety)*

## **6. Administration**

**Ordinance No. 118 – Roads & Public Rights-of-Way:** TA Murphy explained that draft 3 of the revised Ordinance backs away from the Bowie model, which the Council thought too cumbersome. Instead, it follows Greenbelt's approach to regulating the activities of utilities in the Town right-of-way, and adopts Prince George's County's design standards for patching and repairing utility cuts. A covering memo details the recent changes. The revised Ordinance adds new sections on 1) Purpose and Authority, 2) Applicability; 3) Design, Construction and Repair Standards; and 4) Definitions. Unlike the old Ordinance, this Ordinance requires any entity working in the public right-of-way to obtain a permit. This Ordinance also requires utilities and private contractors to post a bond or other security to guarantee the satisfactory completion of the work as described in the permit.

TA Murphy said that the process he envisions would have any party performing work in the public right-of-way come in with a set of plans when they apply for a permit. The plans will be reviewed by designated Town staff, who will then go on-site with the applicant to discuss the project. After the project has been discussed and the applicable fee paid, a permit will be issued. As with the City of Greenbelt, the Ordinance would authorize the Town to levy a fine of up to a \$1,000, if work is

performed without a permit, or the scope of work outlined in the permit application is exceeded. Greenbelt also issues a fine if the project exceeds the time period for which the permit was issued. However, Greenbelt requires bonds only for new construction.

TA Murphy continued that Section 12 of the new Ordinance will require all work to be inspected by Town staff, which should be a responsibility of the Public Works Department. In his experience, utilities often do not follow Prince George's design standards for patching and repairs. The inspection of the work will be ongoing and can result in the issuance of a "stop work order" if the work is not satisfactory. Once the work is completed to the Town's satisfaction, it is formally accepted, as per Section 13. All work must be guaranteed for 2 years. Sections 14 and 15 deal with permit violations and enforcement. Some parts of the old ordinance remain with minor changes in Sections 17-24. However, Section 18 establishes new standards for replanting grass in the right-of-way, and Section 23 requires removal of all construction debris. Sections 25-29 add provisions that are now standard in other recently revised ordinances. This includes a section on the right to appeal a fine. The Council may want to expand it so that other aspects of the Ordinance can also be appealed.

The Council commented on the latest revisions. CM Kulpa-Eddy said that she finds this version confusing. The old Ordinance was directed at private individuals and contractors while this Ordinance is focused on public utilities. It is not clear to her what requirements the different parties have to follow. This Ordinance may need to be broken down by type of applicant to clarify what rules apply to each. TA Murphy replied that this would be explained on the back of a permit application provided to everyone who does work in the public right-of-way.

Mayor Calvo said that this Ordinance has become much denser and complicated than what the Council had initially set out to do, which was the establishment of some basic rules Pepco has to follow when trimming trees. It tries to put in place a comprehensive framework for all types of work done in the public right-of-way, which makes it more difficult to administer. Further, the revised Ordinance does not clearly show what has been deleted and added, which should be done in accordance with standard formatting rules of strike-throughs and underlining. He agreed that the organization of the Ordinance could be improved. He thought it would be useful to break it down by what type of work is performed and the impact of the work on Town property. This would include 1) cutting into roads and other Town infrastructure; 2) trimming trees in the Town right-of-way, and 3) performing maintenance and repair work on utility lines. The circumstance not covered in the Ordinance is Prince George's County working on storm drains within the Town's boundaries

CM Almoguera said that she is concerned about writing provisions that are too case specific. This tends to leave unanswered which regulations apply for cases not covered in the Ordinance. The current organization makes sense to her. She also wondered whether the Town can write rules that cover county activities. MPT Wilkinson expressed concern about the Public Works crew being required to inspect the work. They are busy doing other things and some leave in the afternoon. They would not be able to monitor a project in all its phases. TA Murphy said that they would not have to do that. They may stop by once a day to check the progress, and do a final inspection before a street cut is filled back in. Mayor Calvo also thought that Public Works staff is best suited to inspect the work of contractors. They have expertise and already spend a lot of time on the roads. Inspection, while time consuming, will save money long term by ensuring that street repairs are done correctly. He supports Public Works staff being given the authority to halt a project and issue fines for violations of the Ordinance.

TA Murphy was asked to send all Councilmembers electronic copies of draft 3 of the Ordinance with deletions and additions marked in accordance with accepted format.

**PGCMA breakfast:** Four tickets will be reserved for the PGCMA breakfast on Tuesday, June 25. Scanned copies of the payment check will be provided to all Councilmembers attending the MML.

**Health insurance:** TA Murphy said that the Maryland Insurance Commission authorized a 10.7% increase in premiums for the plan the Town currently has. However, if the Town switches to a plan with a higher deductible, as assumed in the FY 2014 budget, the increase will be only 3.91%. This would bring the cost of the plan to \$108,000. There is a possibility that a current part-time employee with family will replace a current full-time employee who is single. This would increase the cost of the plan to \$112,000, which is within the \$115,000 budgeted.

Mayor Calvo asked if this budget includes health insurance for a new part-timer in the event the above change occurs. There may also be additional costs from the Health Reimbursement Account (HRA) contribution for a new part-timer and if the average age of the Town's work force goes up. TA Murphy said that he did not budget for the new part-timer, which would cost approximately \$2,600. The HRA contribution is in a different line item. Any additional cost from an increase in the average age would not take effect until FY 2015. He believes the FY 2014 health insurance appropriation will be sufficient.

**FY 2013 budget amendments:** TA Murphy said that all Town departments' expenditures look like they will come in within budget. If departmental expenditures are within budget, then no budget amendments will be required for departmental budgets. So far, amendments will be required to account for money taken from the cable reserve to fund the BHTV upgrade, for withdrawals from the public safety reserve to fund sidewalk surveys, design and engineering, grants received, and merit increases. One item that is over budget is the renovation of the old media resource center. The quote received was for \$24,000, which exceeds the budget by \$8,000. TA Murphy said that part of the additional cost is due to the difficulty of installing heating and air conditioning systems. He will reach out to other vendors to try to get a better proposal.

MPT Wilkinson said that he would like to wait on batting cage repairs, which the Council agreed to fund from the PRECA equipment line item. He would like the Boys & Girls Club to focus on building the shed at the BHES field first. However, he is concerned about Public Works having had to pay for a major truck repair. TA Murphy said that the Public Works budget will have enough money to cover it, in part because their gas expenditures were not as high as anticipated. Mayor Calvo asked that any other capital expenditures, such as office furniture, new computers or recreational equipment, be formally approved through budget amendments. TA Murphy was encouraged to upgrade his office furnishings so that he can accomplish all his work there.

The meeting was adjourned at 9:50 p.m.

Signed: *Kerstin Harper, Town Clerk*