



# Town of Berwyn Heights

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## Minutes Worksession June 17, 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, and Clerk Harper.

### 1. Mayor

**Announcements:** CM Dennison attended the funeral of long-time resident Edna Waters, who died on June 8, 2013 at age 102. Summer solstice is coming up on June 21.

**Calendar:** The Council reviewed the calendar. Topics submitted for the Council's summer agenda include completing the revision of Ordinance No. 118 – Roads & Rights-of-Way; a memorandum of understanding with the county regarding commercial parking enforcement, for which the Director of the Department of Environmental Resources (DER) and the Town's Code Department Director should be invited; and sidewalks design and engineering.

**Minutes:** None

**Department reports:** CM Kulpa-Eddy announced that the Code Department has hired Kyle Snyder as a part-time code officer. MPT Wilkinson reported that he asked the Public Works Director to look into the possibility of purchasing lids for the recycling containers separately. The Boys & Girls Club U-18 soccer team lost the championship game to Beltsville. CM Almoguera reported that she will learn Wednesday when the new playground equipment can be installed. TA Murphy added that it still has to be determined whether there is a spring at Pop's Park that causes the ground to be very wet and soft. This might delay the installation. CM Dennison announced that the Volunteer Appreciation Dinner is coming up on June 19 and that the Boys & Girls Club is fielding baseball and softball teams for the summer. Mayor Calvo reported that the new police car has been picked up from the dealer and is now being outfitted.

**Citizen comments:** Mayor Calvo received multiple communications about a loud party on 59<sup>th</sup> Avenue last weekend, including some complaints that the non-emergency number was not working. He ended up calling Chief Antolik at home to send an officer to the location, who eventually shut the party down. The home's owner came into the Town office today to complain about the police shutting the party down and gave her side of the story. He also received an email from a resident who was not happy

about the playground being dismantled during the summer vacation.

**Legislative action requests:** The Town Council did not have any legislative action requests.

**ATHA presentation follow-up:** Mayor Calvo said that Aaron Marcavitch, Executive Director of the Anacostia Trails Heritage Association (ATHA), shared some interesting ideas about marketing this area at the last Town meeting. He liked the concept of designating Berwyn Heights, College Park, University Park and Greenbelt as a park district because these communities have a lot of green space, which includes several larger parks. He also liked the plans to use bike trails to better connect ATHA communities and their recreational areas. He wondered if there is way to get from Westchester Park to the main road and camp ground in Greenbelt National Park. MPT Wilkinson said that there is a well-used footpath leading from the far end of Westchester Park into the park, but it is not suitable for road bikes. Mayor Calvo said that better bicycle infrastructure may have to wait but establishing share lanes on existing streets could be an inexpensive way to create bike connections.

Mayor Calvo continued that College Park recently launched a website marketing itself as a university town and as a place for University of Maryland faculty, staff and students to live. Berwyn Heights may want to consider investing some money to produce a professional brochure to advertise the Town to visitors and new residents. MPT Wilkinson thought that a marketing brochure should drive traffic to the Town's website, where people can find out more information about the Town. However, this may require an overhaul of the Town's website to include information about realtors, restaurants and shops. Mayor Calvo agreed that the website should be the focus of marketing the Town and that it should have a broader focus than just Berwyn Heights.

**Green Team:** Mayor Calvo said that he would like to invite the Green Team to come to a worksession and brief the Council on their efforts to obtain *Sustainable Maryland* certification. The Green Team has done a number of things that earn points toward certification, particularly in the area of gardening, local food production and energy savings. However, they do not yet have a plan to get certified.

## **2. Parks and Recreation**

**MML banner city designation:** CM Dennison said that she is interested in applying for a *banner city* designation with the Maryland Municipal League (MML). However, she does not have the information about the requirements at hand. CM Kulpa-Eddy thought that Berwyn Heights meets most of the criteria for banner city status but would need to pass a Municipal Government Works resolution and fly the municipal flag. Mayor Calvo said that those who have an interest in the designation are free to pursue it. He does not think that TA Murphy should be tasked with it.

MPT Wilkinson asked if Berwyn Heights is up to date with its *Tree City, USA* designation. TA Murphy said that the Town needs to submit an application to the Department of Natural Resources (DNR), which the Public Works Director can do, and read an Arbor Day Proclamation. A proclamation required in the application is usually read on Berwyn Heights Day but can be read on any other day of the year.

## **3. Public Safety**

**School zones:** TA Murphy said that Town Attorney Shay advised to pass any regulation having to do with school zones by ordinance rather than resolution. The Maryland General Assembly this year came close to passing legislation that would restrict the operation of municipal speed cameras. An ordinance carries greater weight and would provide better protection from a roll back.

Mayor Calvo disagreed with Attorney Shay's interpretation. He said that the Council is not planning to change any regulations relating to speed camera operations. Rather, the Council voted to change the hours during which a lower speed limit in the school zones is enforced from 8 a.m. - 5 p.m. to 7 a.m. - 6 p.m. The Council needed clarification whether the school zone hours should be set by resolution or by simple Council action. TA Murphy said that school zones and the hours of operation were previously set by resolution. He advised to do the same now. The Town is given this authority by State law, TR § 21-803.1.

Mayor Calvo said that Attorney Shay's advice to enact a change by ordinance is based on political concerns, e.g. the State legislature's attempt to curb the improper use of speed cameras. There has been an abuse of this authority by some municipalities, such as assigning non-police personnel to issue tickets and operating speed cameras during non-school hours. The State legislature is now dealing with the backlash. On the other hand, the now ubiquitous speed cameras have reduced speeding and resulted in lower accident rates. Regardless, if speed camera legislation is passed to rule out contingency contracts with vendors, the Town would not be able to afford the cameras.

MPT Wilkinson said he finds it incredible that the State would impede municipalities' ability to keep their school children safe by rolling back the speed camera legislation. He suggested that the Town work with MML to lobby against such legislation if it comes up in the next session. Mayor Calvo said that MML has not been very effective in standing up to the State legislature on this, and should join forces with the Maryland Association of Counties (MACO). TA Murphy said that the Town might explore if the Town's speed camera vendor, OptoTraffic, would agree to another way of financing the cameras instead of a pro-rata share of ticket receipts. Mayor Calvo said that if the Town switched to paying the vendor a flat fee for the cameras, it could lose money, which he would oppose.

CM Kulpa-Eddy thought that the Four Cities might be able to purchase the cameras and move them around between the cities. CM Almoguera said that the Town should push MML to oppose changes to the legislation more vigorously and possibly submit a legislative action request. MPT Wilkinson thought that the legislature could be asked to establish an oversight panel funded with a percentage of speed camera revenue to prevent improper use of the cameras. The Council agreed to work through MML and the State delegation to oppose a roll back of speed cameras.

TA Murphy was asked to prepare a resolution to designate the section of 63<sup>rd</sup> Avenue that borders the school fields as a school zone and to adjust the school hours. TA Murphy asked if the 8900 block of 63<sup>rd</sup> Avenue, which leads up to the Greenbelt Road crossing, should also be designated a school zone. Mayor Calvo said that is a good point. He went on to suggest making all of 63<sup>rd</sup> Avenue north of Pontiac Street a school zone because it is the most used route to Greenbelt Middle school. CM Kulpa-Eddy disagreed, saying there is no justification to pick out this route over any other that students use. CM Almoguera agreed and thought it was better to stick with school zones that adjoin school property. The Council postponed a decision to the next worksession.

At 8:38 p.m., the Council took a 5-minute break.

### **3. Public Works**

**Purple Line presentation:** TA Murphy said that the public outreach team for the Purple Line would like to know what the focus of the presentation at the upcoming Four Cities meeting should be. MPT

Wilkinson said the focus should be the route from the University of Maryland campus through M-Square to New Carrollton and trolley crossings at the main traffic arteries. Mayor Calvo said he would like to know how the transportation funding plan affects the timing of the Purple Line project.

#### **4. Administration**

**Ordinance No. 118 – Roads & Rights of Way:** TA Murphy explained that he essentially rewrote the entire Ordinance to shorten it and to eliminate problems stemming from the reordering of sections undertaken in the previous draft. The Council needs to decide if the organization of the Ordinance is now acceptable and make any other changes it deems appropriate. Mayor Calvo thought the Ordinance flows better now but there are still some problems. For example, there is no section 19, which will require renumbering; there are 2 sections, Section 22 and 23, entitled *Growth of Foliage*; and there are numerous instances where language is repetitious. The iterations of nouns, such as bridges, catch basins, culverts, curbs, gutters, manholes, sidewalks, storm water drainage, etc. can be reduced by defining them as infrastructure located in the Town right of way. The same is true for iterations of verbs. Once defined, the terms should then be used consistently throughout the Ordinance.

CM Kulpa-Eddy suggested that the sub-title of the Ordinance may have to be rewritten because it states that the purpose of the Ordinance is to provide for permitting of improvements and maintenance activities in the Town right of way. However, the Ordinance also deals with activities such as growth of foliage and clean streets that do not require permits. Mayor Calvo said for the same reason *Section 1 – Purpose and Authority* should also be rewritten: the broader purpose of the Ordinance is to maintain structures in the right-of-way in accordance with Town standards.

CM Kulpa-Eddy continued, there are still sections that contain duplicative content, such as *Section 3.1 – Construction Specifications*, and *Section 4 – Design, Construction and Repair Standards*, which both state that the Town will adopt County design and construction standards. Mayor Calvo said that provisions establishing standards should be in a section dealing with standards, not in definitions. The definitions themselves should be standardized and begin with the same phrase, such as “improve shall mean.”

CM Kulpa-Eddy further suggested combining Sections 5 and 6 dealing with permit applications and permits, and to move up *Section 14 – Bonds, Letters of Credit or 3 Party Bank Deposit Agreements Required* to follow the permit section. Requiring bonds, etc. is part of the permit application process. TA Murphy noted that he has not yet resolved the issue of when a bond is required. Greenbelt only requires it for new construction. Further, *Section 15 – Liens* needs to elaborate that liens only apply to private owners who have infringed on the public right-of-way but not paid for damages. CM Kulpa-Eddy suggested to move the liens provisions to the penalties section. Mayor Calvo agreed, noting that it would give the Town the means to recover money if it had to fix a problem stemming from improper maintenance or improvements undertaken in the Town right-of-way by a utility or private party.

TA Murphy was asked to make the latest changes, which the Council will review at the next worksession.

#### **5. Code Compliance**

**Code backup car replacement:** TA Murphy said that the Police Department has a 2005 surplus police car that is in better condition than the one the Code Department now uses as backup. With the Council's permission, the Town would dispose of the current backup car and replace it with a newer

one. Mayor Calvo said he has no objections, as long as the Town does not sink money into it for re-painting or repairs. CM Kulpa-Eddy so moved. MPT Wilkinson seconded. The motion passed 5 to 0.

The meeting was adjourned at 9:00 p.m.

Signed: *Kerstin Harper, Town Clerk*