



# Town of Berwyn Heights

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## Minutes Worksession February 2, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Jessica Cowles, and Clerk Kerstin Harper.

### 1. Mayor

**Announcements:** None.

**Calendar:** The date for the next PGCMA meeting needs to be added .

**Minutes:** On a motion by CM Dennison, and second by MPT Kulpa-Eddy, the January 12 worksession minutes were approved 5 to 0. The January 14 Town meeting were distributed.

**Department Reports:** Mayor Calvo reported that he tried to learn more about the real property reassessments some areas of the County have gone through. The central areas, including New Carrollton and Cheverly went up between 23 and 30 percent, which is encouraging. Commercial property values went up less than residential property. Even with higher assessments, real property tax payments to the county are capped at the rate of inflation by the 1978 voter initiative known as "TRIM." Mayor Calvo also had conversations with County Councilmember Danielle Glaros about how stakeholders can better support Parkdale High School. Ms. Glaros has made this a top priority.

MPT Kulpa-Eddy reported that Berwyn Heights residents can for a time avail themselves of free spay and neuter services for their pets. The Four Cities received a \$75,000 grant to finance the free procedures, but the amount of procedures is limited to 600-650. Fliers and applications are available at the Town office or online at [www.greenbeltmd.gov/spayneuter](http://www.greenbeltmd.gov/spayneuter).

CM Dennison reported that the Town was recently reimbursed \$91,000 for the renovation of Pop's Park playground. The grant was written by former Councilmember Almoguera. She invited all community groups to give input into the Parks & Recreation budget, which she will present at the next worksession. Lastly, she thanked long-time resident Ed Barrett for inviting her to the 50-year anniversary of the basketball championship game DeMatha High School won in a huge upset against reigning champion Power Memorial. Mr. Barrett had played on the DeMatha championship team.

Mayor Calvo noted that there was a big house fire on Seminole Street last week. A couple of neighbors,

who happened to pass by, ran into the burning house to rescue the residents, who might otherwise have died. The County Fire Chief was on the scene first with the Branchville Fire Department and informed him of the incident. Family members of the victims, who live in Town, also came to help.

**Citizen Comments:** MPT Kulpa-Eddy received a comment about a big pot hole on Greenbelt Road in front of Money Federal Credit Union. A cone that marked the spot earlier is no longer present. The Town may want to make sure that SHA knows about it and gets it repaired. Mayor Calvo noted that a number of Washington Gas covers are missing on their gas access pipes. He wondered if people are stealing them to resell them.

**Police Department budget request:** Chief Antolik presented the Police Department budget. He began with a review of recent accomplishments. He noted that criminal activity in the Town during the last 10 years has declined significantly since 2010 from annual Part I totals of well over 100 to now ranging between 61 and 85 per year. He attributed reduction in crime to the focus on community policing, which relies on frequent in-Town patrols and close cooperation with residents, including an active Neighborhood Watch/ Emergency Preparedness Committee. Last year's accomplishments included: Joint Terrorism Task Force Training for Detective Unger and Pfc. Krouse; Pfc. Krouse's graduation from the Firearms Instructor School; Officer Roberson's promotion to corporal and officer-of-the-year award; implementation of a senior residents' welfare check program; and activation of an MOU of mutual assistance with the City of Greenbelt and the Town of Edmonston, among others.

Chief Antolik continued with the FY 2016 budget request, stating that this budget is essentially flat, with the exception of salaries. The hiring of a new police clerk at the starting grade will save approximately \$10,000. Additionally, one police officer position will be vacant, as Officer Duck has resigned but will, for the time being, handle the issuance of speed camera citations. In addition, the budget has 2 new police vehicles, one to be funded from the capital operating budget and another from the Public Safety Taxing District budget. The cost of the proposed Dodge Chargers with All Wheel Drive is \$27,000, plus another \$7,800 for outfitting for a total of \$34,800 each.

In response to Councilmembers' questions about current year expenditures, Chief Antolik explained that the *vehicle maintenance & repair* budget is above budget because of air conditioning repairs in the older Crown Victorias. *Other maintenance & repairs* has a cost overrun because he had to purchase 2 new rifles for officer training. The *periodicals* appropriation is over budget because a new supply of citations was purchased. *National Night Out* was over budget despite this appropriation having been raised in FY 2015, because fewer cash donations were received. Promotional giveaways for National Night Out were paid mostly out of the public relations budget.

On the other hand, Chief Antolik said that an increase in the *shift differential* appropriation was not requested, despite an increase from \$1.00 to \$1.30 per hour. He believes that former TA Murphy already calculated the FY 2015 needs and FY 2016 roll up costs based on the anticipated increase. However, he will go over the calculations with TA Cowles to make sure that the requested amount is sufficient. The appropriation for *gas and oil* was calculated by TA Cowles and is based on a 10-year average of \$3.00/ gallon in this part of the country. The *ammunition* appropriation reflects use of ammunition during the regular firearms training officers must undergo. The Town saves money by utilizing the federal firing range.

In response to CM Rasmussen, TA Cowles said that she asked directors in her budget guidelines memo to identify line items that could be cut to arrive at a 5% cut in the overall departmental budget as a

contingency. Chief Antolik said that the new police clerk would start at a lower salary than the one that resigned, which would produce some of those savings. Mayor Calvo commented that a 5% cut could not be achieved without cutting officers, which the Council did 2 years ago.

Mayor Calvo said that he would like to discuss the police fleet and how the vehicles are used. To provide context, Town police vehicles on the whole log 2 times more commuter miles than patrol miles. Those officers with long commutes put 2 to 3 times more miles on their vehicles than those that live nearby. He asked what results the Town's take home car policies and locality pay have on the life-span of vehicles.

Chief Antolik replied that distances driven are not the only factor affecting a vehicle's life span. Patrol miles usually cause more wear and tear than commuter miles. The way a car is driven and serviced also affect life span. Further, he believes that a new Dodge Charger will last longer than a new Crown Victoria because the computer technology helps stabilize the ride of the vehicle and reduces wear. But the data on that is still out. As far as Council policy is concerned, he believes that the reduction of the permitted commute from 40 aerial miles to 30 road miles and offering locality pay has resulted in fewer miles driven.

Mayor Calvo said in the future he would like to see more of this type of analysis as well as an annual report on miles driven in each vehicle as part of the budget presentation. Data analysis will produce better projections of each vehicle's life span and ultimately, get a better reading of the purchasing schedule for police cars. CM Rasmussen suggested that it may be useful to figure out what the per mile cost of a vehicle is and to base locality pay on that. MPT Kulpa-Eddy asked how the old vehicles are disposed of. Chief Antolik said that the unmarked vehicles are either sold with the Council's permission or passed on to the Code Department as a spare. Marked vehicles are also used as decoys.

**Code Compliance budget request:** TA Cowles presented the Code Department budget, which was put together with Code Compliance Supervisor Simpson before he left. TA Cowles briefly summarized the Code Department's mission, organization and last year's accomplishments. The Department normally has a full time code supervisor, 1 part time code clerk, who works 12 hours per week, and 2 part-time code officers who work a combined 20 hours per week. With the supervisor's departure, officer Hall will fill in and perform some of the administrative functions.

Reviewing the FY 2015 accomplishments, TA Cowles noted that Supervisor Simpson created document templates for letters and reports, established a patrol schedule to organize field inspections, developed an egress window guide for basement rental units and researched and purchased an electronic code tracking system on which staff is now being trained.

Next year's goals include completing the implementation of the code tracking system, developing more effective ways to deal with vacant properties and work with the County on accelerating demolition of blighted properties; educating residents about changes in property maintenance standards following the amendment of the Clean Lot Ordinance; reviewing the Urban Forest Ordinance; and partnering with Public Works, the Police and community organizations in monitoring and improving different aspects of property maintenance.

TA Cowles then discussed the FY 2016 code budget request. The main change is in the salary line, where there is a salary lapse of \$10,000 from the vacant code supervisor position. These savings were shifted to part time salaries to compensate part time staff for additional hours worked to compensate for

the absence of a supervisor. In FY 2016, the salary line has a \$13,000 increase over FY 2015, reflecting the anticipated hiring of a new code supervisor by May. On the other hand, part-time salaries are decreased by \$1,400, as a full time supervisor will be present and some efficiencies from the implementation of the code tracking software are realized.

Further, the postage appropriation will be kept at last year's level despite cost overruns in this fiscal year, because the goal remains to reduce use of certified mail where practical. The network/software support line item was reduced by \$3,700 as the implementation of the code tracking system will be mostly complete. The uniform line item will be brought back down to its normal level, which pays for 1 uniform in a fiscal year, after experiencing a large cost overrun this year because 2 new sets of uniforms were purchased. No changes were made to the van program.

On the revenue side, the building permit and rental license line items are budgeted for increases of \$1,500 and \$2,000, respectively, based on this year's estimated receipts. Dumpster and POD permit revenues were budgeted slightly lower based on this year's receipts. Code fines and forfeiture revenues are budgeted for a slight increase of \$1,200, mostly due to expected higher receipts from clean lot, high grass, refuse, and rental violations.

In discussions, Mayor Calvo said that he likes the new format of the budget spreadsheet, which is easier to read than previous versions. Regarding code fines, he wants to repeat what he has pointed out in previous years: liens should not be treated as a separate code fine category but merely as a different form of payment. Therefore, they should not be listed as their own line item. Regarding rental revenues, the fees received for issuance of a license should be differentiated from the fines for rental violations. He also questioned the assumption that fine revenues from clean lot violations will be higher. Anecdotal evidence suggests that enforcement of clean lot violations has gone down. However, the tracking of data on the different types of violations is helpful and should continue.

CM Rasmussen said he conferred with TA Cowles about the budget and some of his suggestions were incorporated. He pointed out that the FY 2016 code budget would be 5% less than this year's were it not for the full time salary line that allows for a higher code supervisor salary. Mayor Calvo commented that the van program may no longer be needed as the van is no longer used as a call-a-bus and Town groups have not used it much. CM Rasmussen noted that the program probably should get a thorough analysis to see if it should be kept or reconfigured.

Nothing was discussed under **2. Public Works.**

### **3. Administration**

***Emergency generators update:*** TA Cowles said that the Town went out to bid for installing emergency generators in November 2014 and received 2 bids, 1 coming in at \$280,000 and 1 at \$196,000. Both bids are substantially over the \$160,000 budgeted for the project. Since then she has worked with the project engineer to identify options to reduce the cost, which include:

- Switching from natural gas-powered to diesel-powered generators lowers cost to \$170,800.
- Connecting only 1 building to generators lowers cost to either \$141,000 (Town Center) or \$72,100 (Town Office)
- Installing only one 60 KW generator to connect either the 1st or 2nd floor of the Town Center but not both, and roughing in for a second generator. The Town office would be connected to a 30 KW generator.

TA Cowles further explained that the Town already spent close to \$10,000 on engineering the project, but has not been billed yet. The cost for the third option has not yet been determined as it requires re-negotiating with the low bidder.

Mayor Calvo said he thinks connecting only the 1st floor of the Town Center to a generator is sufficient if that will keep the cost of the project under \$160,000. The Town only needs a small temporary cooling center if there happens to be a power outage during the summer. He asked whether the Town is bound to go forward with the project as it was initially described if it signs the capital project grant agreement due on March 1. TA Cowles said that she will check with the Town attorney.

After further discussion of the options, the Council agreed to try to find other eligible contractors by seeking advice through MML and then going out to bid again, but with the project broken out into pieces. That step is contingent on finding out if the Town is committed to carry out the project as initially designed.

**Comcast settlement agreement:** Clerk Harper explained that negotiations between Comcast and the I-Net legal team to renew the franchise agreement have been difficult and are hung up over Comcast non-compliance issues with no resolution in sight. However, the parties have worked out an interim settlement, in which each party gets something it wants. Prince George's County and its municipalities have agreed not to object to the Comcast - Time/Warner merger and in return would get several concessions from Comcast, including a minimum numbers of HD channels, more flexibility in using the PEG grant, and extension of service in the south county. The I-Net negotiating team recommends adopting the settlement, which is due by February 13.

Mayor Calvo expressed doubt that the Town's cable TV revenue will hold up as more customers get TV over the internet and satellite. He asked if the franchise and PEG fees Comcast and Verizon pay the Town for the use of the right-of-way are levied on TV only, or internet and telephone services as well. Clerk Harper said she will have to find that out. Franchise and PEG fees will not be affected by the settlement agreement but may change when a new franchise agreement is finalized. The Council agreed to take up the settlement agreement for approval at the February 11 Town meeting.

**Bulletin cover:** The following items were selected for the March Bulletin cover: Spring theme; headlines for Talent Show and Game Night; jumps for budget process, tax time and Maya Davis presentation. CM Rasmussen noted that the December 1 worksession minutes erroneously report him as being absent. A correction will be published in the minutes.

#### **4. Code Compliance**

**Clean Lot Ordinance amendments:** Mayor Calvo said that the agenda packet only contained a clean version of Ordinance 107, Clean Lot, but not a version that tracks the changes that have been made thus far. While it is helpful to see the amended Ordinance without all the strikethroughs, the Council does not have a baseline now from which to evaluate the amended Ordinance. This raises the issue of whether the Ordinance can be adopted at the February Town meeting. Tonight, the Council is requested to review the available version and focus on making substantive changes.

At 10:08 p.m., CM Rasmussen excused himself because he had an early flight the next morning.

The following changes were made:

Section 3 O – Repeat Violator: It was clarified that a repeat violator is someone who has been noticed

for up to 2 clean lot violations, but not more.

Section 4 K – Parking Surfaces: This provision was divided into subsections 4 K (1) and 4 K (2). Subsection 4 K (2) is to be rewritten in an affirmative manner, stating that the Town Administrator can issue a 72-hour permit to grant an exception to the requirement that all motorized vehicles must be parked on an approved parking surface.

Section 4 M – Accessory Structures: Subsection 4 M (1) needs to be rewritten to clarify that a Code officer or other designated Town representative can require a property owner to repair a fence that is broken or not in compliance with the Prince George's County zoning ordinance.

Section 6 D – Vacant Property: It was agreed that non-hazardous situations described in subsection 6 D (2) fall into a “regular order” compliance timeframe, comprising situations that the Town deems to be a violation, other than an immediate hazard. Further, it was agreed that subsection 6 D (3) should be revised to require the Code Department to simply maintain a list of vacant properties, but not a list of all vacant properties.

Section 6 E- Timeframe for Notice of Violation and Penalties: It was agreed to add explanatory language about the 4 types of enforcement processes, each describing the different time tables for issuing notices and violations in new subsections 6 E (1) - (4), and delete the descriptions from the table.

Section 7 – Repeat Violations: Subsections 7 A and B, setting forth the enforcement process for a repeat violator and multiple repeat violator, refer to Section 6. However, new provisions need to be created in subsection 6 E to spell out the compliance timeframes and fines for repeat violators and multiple repeat violators.

Section 8 A – Right to Appeal: The question of whether to set a time limit on a request to appeal a Code violation upheld by the Town Council in the District Court is awaiting review by the Town attorney.

TA Cowles was asked to incorporate the changes made tonight and provide a draft showing all deletions made to the original as strikethroughs, and all additions in caps. This version should be available to the Council by the end of the week so a decision can be made of whether to adopt the amended Ordinance at the February Town meeting.

***Ordinance 134 – Commercial Clean Lot:*** Consideration of this Ordinance was postponed.

Nothing was discussed under **5. Parks and Recreation** and **6. Public Safety**.

The meeting was adjourned at 10:52 p.m.

Signed: *Kerstin Harper, Town Clerk*