



Town of Berwyn Heights

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Minutes Worksession June 20, 2016

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, and Maria Robles. CM Christopher Rasmussen had an excused absence. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper, Pepco Vice President for Government Affairs and Public Policy Jerry Pasternak and citizens.

1. **Pepco community forum**

Mayor Jewitt announced that the regular order is suspended to hold a community forum on Pepco's vegetation management plans and welcomed Jerry Pasternak, Pepco Regional Vice President for Maryland.

Mr. Pasternak gave an outline of the legal and regulatory framework for Pepco's tree pruning and removal activities. He said that the Maryland Public Service Commission (PSC) enacted legislation in 2012 to ensure better reliability of electric service. The legislation contains a section on vegetation management that sets forth standards and processes for tree pruning and removal around power lines, including specific clearances for different voltage lines. Generally, Pepco notifies a community or municipality when it plans to perform vegetation management and then sends out a team of arborists to inventory trees that may need to be trimmed or removed to obtain the required clearances. Pepco then works with municipalities to obtain approval for the plan and also submits it to the Department of Natural Resources (DNR) for approval. Once the required permissions have been obtained, a different team of tree contractors is employed to carry out the pruning and removals in accordance with the plan. Additionally, Pepco holds community forums to respond to citizens' questions and concerns. Mr. Pasternak then invited input from the Council and residents.

Dennis VanEngelsdorp, Berwyn Road, said that a Pepco contractor recommended to his neighbor to remove a healthy, mature white pine tree in front of her home, saying that Pepco would do this for free. It appears Pepco is using scare tactics and inducements to obtain permission from private property owners to cut down trees. Mr. Pasternak replied, if a tree located on private property is thought to require removal, a planning contractor must contact the homeowner to obtain written approval. The homeowner has a right to refuse, or ask that the tree be pruned instead. Trees for which removal was refused must be reported annually to the PSC, although he does not know how this information might be used.

Mr. VanEngelsdorp made additional comments. He said Pepco's customer service is difficult to contact and in his experience does not respond to voice or e-mails, which produces mistrust. He also wonders how Pepco assesses the risk for a tree falling on powerlines, because the risk often seems insignificant. Mr. Pasternak apologized for the difficulty in contacting customer service and will look into it. Second, Pepco does not make an assessment of the degree of risk a tree or branch may pose of falling on power lines. Pepco is charged with ensuring specified clearances around power lines and any tree or branches growing into the clearances are considered a risk.

A Berwyn Herman Carillo asked about Pepco's environmental responsibility. Mr. Pasternak said that Pepco takes environmental stewardship seriously and offers to replant trees when trees were cut down. Pepco was a member of a working group that made recommendations to the PSC about vegetation management. However, the PSC set the policy, after receiving input from other stakeholders, under which Pepco now operates.

Diana Agonoy, Cunningham Drive, asked how Pepco goes about deciding what replacement trees will be planted. Mr. Pasternak said, for the replanting of trees in the Town right-of-way, Pepco will consult with the Town and any residents the Town invites to participate in the decision. There is a list of about a dozen trees that Pepco recommends for planting near utility lines from which the Town can choose.

Mike Attick, 62nd Avenue, said he helped clean up the Town when storms caused long power outages in 2010 and 2011 due to falling trees. He is inclined to take a Pepco arborist's word over a resident's opinion on which trees are healthy.

In response to Mayor Jewitt, Mr. Pasternak said Pepco will discuss and negotiate pruning with homeowners. However, if more than 25% of the tree's crown must be removed to obtain the required clearances, the tree will be cut down. In response to CM Dennison, Mr. Pasternak said that about 45 trees are proposed for removal in the current draft plan, but only those trees will be removed for which approval is obtained. Pepco offers to replant trees for those removed. In response to CM Robles, Mr. Pasternak said that stumps will not be removed.

In response to further questions, Mr. Pasternak explained that there are no repercussions for residents for declining to have a tree removed, other than a chance that branches may fall on lines and cause power outages. Trees proposed for removal are marked with blue dots, and with triangles on the maps in the vegetation management plan. Pepco conducts audits of the tree pruning and removals performed by its contractors and will tell them where they need to improve. Pruning standards for utilities are harder than those used by arborists hired by residents, and may be considered aggressive. Tree pruning contracts are bid every three years.

Mr. Pasternak continued that Pepco employed less aggressive tree pruning standards until 2011, when the PSC commissioned a study on Pepco's reliability of delivering electricity to its customers. The study found that poor vegetation management was the principal factor in the high frequency of outages. The PSC agreed, fined Pepco \$1 million dollars and imposed stricter vegetation management standards. This was prior to the legislature adopting new standards in 2012.

MPT Kulpa-Eddy related her experience with Pepco's tree planners as an example of a disconnect between what residents hear from the planning consultants and what Pepco does when trees are being cut. She was told by the Pepco-contracted planner that her trees were marked for pruning and removal

because one tree has co-dominant trunks and another poses a risk of electrocution. She requested that the trees not be removed or pruned because they are otherwise healthy, but they still show up on Pepco's proposed tree work map. Further, in a letter Pepco recently sent dated June 8 but received on June 16, she was notified that the tree pruning will commence within 10 days of the date of the letter. She is worried that the trees will be removed regardless of her objections.

Mr. Pasternak explained the 10-day notice letter is sent because the regulations require it whenever Pepco comes to a neighborhood to perform tree work. As for the possibility of electrocution from a tree that touches a powerline, it is a risk. Pepco's first priority is safety and any risk of electrocution, even if remote, is a safety concern. The maps the contractors are working with contain more detail about specific trees than the one provided tonight. MPT Kulpa-Eddy's property may have a notation indicating that trees are not to be pruned. MPT Kulpa-Eddy said that those maps should be available for inspection so that home owners can verify that their requests are being heeded.

There were additional comments from residents who said that Pepco is fearmongering when telling residents that they may be electrocuted if trees touch powerlines; that Pepco is not primarily concerned with saving trees but with cutting them down; that residents can't get in touch with Pepco to talk about tree trimming plans or to complain about tree work in progress. Mr. Pasternak said that he is here to hear those concerns so that Pepco can improve communication. Pepco is willing to talk with the Town about each tree slated for removal or pruning to ensure the best outcome.

2. **Announcements**

Mayor Jewitt said that she had many ride-alongs last month to acquaint herself with each department's operations. She appreciated the professional and friendly interaction employees maintain with residents and thanked the directors for making this possible. She also participated in a ribbon cutting ceremony to re-open the Berwyn bridge, which was followed by a walk round Lake Artemesia. CM Robles congratulated the Boys & Girls Club U-11 soccer team on winning the spring championship.

Mayor Jewitt asked for a moment of silence for those slain in the Orlando night club terror attack.

3. **Minutes**

MPT Kulpa-Eddy moved to approve the May 16 worksession minutes. CM Dennison seconded. The minutes were approved 4 to 0. CM Dennison moved to approve the June 6 worksession minutes. CM Robles seconded. The minutes were approved 4 to 0.

4. **Department Reports**

CM Dennison reported that she met with Public Works Director Hall and learned that everything is running smoothly.

MPT Kulpa-Eddy said that the Council was asked to decide on name tags. She suggested purchasing two sets of name tags, one for formal occasions and one for more informal occasions. The Council agreed. She also confirmed the modalities for the Senior Center dedication: the ceremony will take place before the Volunteer Appreciation dinner on June 22, 6:30 p.m. with some remarks regarding the contributions of the late Senior's Club President Jean McConnell. Town offices will be closed on July 1 for installation of a new HVAC system. MPT Kulpa-Eddy also reported that she received a citizen comment regarding the noise associated with a private event held at the Town Center.

CM Robles reported that she took a look at various Town amenities, including the 58th Avenue footpath

slated for renovation. It needs a lot of work. She wondered about a mulched path that goes into the wooded area near Nevada Street. TA Cowles said that it was used by WSSC heavy machinery to rehabilitate their sewage lines along Indian Creek. The project will wrap up by July. CM Robles also heard from residents using the Indian Creek playground that there is a lack of bathroom access, as the Sports Park bathrooms are not always open. At some point, she would like to discuss what can be done to give the public access to those bathrooms. While at Indian Creek park, she noticed that teenagers were using the playground to do skateboard stunts. It may be worthwhile to think about whether the Town can provide any facilities specifically for teenagers. She also thought about discussing possible upgrades to the tennis court in connection with capital improvements planned for Berwyn Heights Elementary School with PGPCS and M-NCPPC agencies. Lastly, CM Robles reported that the Boys & Girls Club received a revised lower quote of \$3,000 for the batting cage renovation at Sports Park.

Mayor Jewitt reported that Chief Antolik, Detective Unger and Officer Ramirez are attending the 6th Annual INLETS conference in Annapolis. Sergeant Moroney is in charge of the Department.

5. Action Items

M-NCPPC draft Trails Master Plan: MPT Kulpa-Eddy provided a draft letter commenting on the proposed Park & Planning Trails Master Plan for Prince George’s County. She and Mayor Jewitt attended hearings on the plan, which sets priorities for developing walking, bicycling and riding trails in the County. Her letter asks 1) that the plans be updated to reflect the existence of the Nevada Street trail; and 2) that the Berwyn Heights Community Center be designated as “directly served only by designated on-road link” rather than “difficult to link to trail,” noting that the Town has recently implemented a bikeway route to the Center and erected a repair station there. Mayor Jewitt suggested the use of active style language in making these requests. On a motion by Mayor Jewitt and second by CM Robles, the letter with said changes to be made was approved.

Berwyn Heights Volunteer Fire Department letter: Mayor Jewitt provided a draft letter to County Executive Baker and County Fire Chief Bashoor requesting that the implementation of General Order 01-03, making changes in the incident chain of command, be postponed. The Order, which subordinates volunteer fire chiefs to County counterparts in their “first due” area, was issued on June 1, 2016 with an implementation date of July 1, 2016, which does not allow enough time for affected parties to give input. The draft letter does not take a stand on the merit of the order at this time. MPT Kulpa-Eddy agreed with the approach of focusing on postponement and suggested including the issue date of the Order in the letter. On a motion by CM Dennison and second by CM Robles, the letter was approved as amended.

Town Center rental extension request: Mayor Jewitt said that a resident is requesting a one-hour extension for a family reunion party she plans to hold at the Town Center. Alcohol will be served and a DJ will be present. Normally, events must end by 10 p.m., and the premises cleaned and closed by 11 p.m. Previous Councils generally denied extension requests. Mayor Jewitt said she would hesitate to grant the request because party noise is an imposition on the neighbors, including noise from guests leaving and driving off. She asked for Councilmembers' input.

MPT Kulpa-Eddy said that noise is the principle concern. However, the regulations stipulate that amplifiers are banned, music must be turned down by 9 p.m. and windows remain closed at all times. She would add that doors must also remain closed. CM Robles said she understands that the applicant would like a wedding celebration to go on a little longer. She would be inclined to grant the extension if those requirements are observed. On a motion by CM Dennison and second by MPT Kulpa-Eddy, the

Council voted 3 to 1, with Mayor Jewitt opposed, to grant the extension. TA Cowles will communicate the decision to the Police Department, and ensure that the applicants understand the conditions.

6. Discussion Items

Pepco permit: Mayor Jewitt asked what the process is for approving Pepco's vegetation management plan. TA Cowles explained that Pepco has already submitted a permit application, as required by Ordinance 118. It is up to the Town to decide whether to approve the plan, impose certain conditions, or deny the plan. She would recommend allowing a specified time for citizen comments, summarize the main concerns, and submit them for the Council's consideration when the plan is taken up again. She suggested a deadline for public input of July 15 and consideration of the plan at the August 1 worksession. Pepco normally performs tree work in the summer and early fall, and commences the work 1 ½ to 2 weeks after permit approval. The Council agreed to the schedule.

7. Town Council Schedule

The Council reviewed the calendar for upcoming months. A meeting of the Education Advisory Committee (EAC) was added for July 21, 7:30 p.m.

The meeting was adjourned at 8:50 p.m.

Kerstin Harper, Town Clerk