



Town of Berwyn Heights

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Minutes Worksession July 21, 2014

The meeting was called to order at 7:02 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 TA Edward Murphy, Clerk Kerstin Harper and Mike Attick.

1. Mayor

Announcements: Former Mayor Thomas Love will retire as a Prince George's County District Court Judge. A celebration of his service will take place on September 10 at 6 p.m. at the UMD Samuel Riggs Alumni Center.

Calendar: The Maryland Municipal League fall conference will take place early from September 11-13. Councilmember wishing to attend should notify Clerk Harper by September 5. The week of August 25 was bookmarked for interviews with town administrator candidates. This may take two days.

Citizen comments: CM Rasmussen received a comment about the speed limit reduction on Edmonston Road and a question about what to do with family of feral cats.

Minutes: On a motion by MPT Kulpa-Eddy and second by CM Dennison, the July 7 worksession minutes were approved 5 to 0.

Department Reports: Mayor Calvo reported that the Town held its annual employee appreciation lunch. The new councilmembers and code supervisor had a chance to introduce themselves. TA Murphy is back at work and will give a status report for administration. The police picked up the new police vehicle from the vendor and is in the process of outfitting it.

CM Rasmussen reported that he revised the Code Compliance year one goals for the Council's discussion later tonight. He met with Code Supervisor Simpson earlier today to discuss the goals, his first impressions and efforts to best utilize the limited number of hours available for code staff. He plans to meet with Mr. Simpson every other week to see how things are going. CM Dennison announced upcoming events.

MPT Kulpa-Eddy reported that the Comcast equipment that had been sent out for repair was reconnected today, and Comcast customers should be able to watch Channel 71 now. CM Schreiber

reported that he had a couple of meetings with Public Works Director Lockley. They spoke about the condition of Public Works vehicles and equipment and how to respond to citizen concerns that are outside the normal interactions.

Tree removal policy: Mayor Calvo welcomed Public Works Director Lockley who was present to discuss a tree that fell during a storm, crushed a car, and caused a power outage that disrupted a community meeting. Mayor Calvo explained that the tree in question had been flagged as a hazard earlier this year because its trunk was splitting. The Public Works Department did not have the staff or equipment to cut down the large willow oak, and did not hire the tree contractor who had flagged the problem because the quote exceeded its tree budget. Another warning was received on the day the tree fell from tree specialist Mark Emmell, who cautioned residents to move their cars. Most cars were moved, except one and it was destroyed. The Town will be liable for the damage because it ignored the warnings.

Mayor Calvo said this accident raises the issue of how to respond to inquiries for removing or trimming trees in the Town right-of-way; how to evaluate the potential risk associated with a tree, and either act upon it or not. It also highlights the need for turning practices regarding tree removal requests into a formal policy. In addition to adding clarity as to how such a situation should be dealt with, a policy would provide a better framework for the Council to fund tree trimming and removal activity.

Director Lockley explained that this splitting tree was first brought to his attention by the owner of a Town landscaping company in January 2014. Public Works declined the landscaper's proposal for removing the tree because it was above \$10,000. At the time the split was not so severe but it continued to get worse. He planned to take care of the problem at the start of this fiscal year. Mr. Lockley further explained that the procedure for responding to requests for a tree removal starts with: 1) making a determination if it is within 25' of the center line of the road and therefore a Town tree; 2) evaluating the condition of the tree, with help from an expert if needed; 3) deciding whether to prune or remove the tree; and 4) obtaining bids and hiring a contractor if Public Works cannot do the work in-house.

In response to Mayor Calvo, Director Lockley explained that the FY 2014 tree budget was \$6,000 and for FY 2015 was raised to \$9,000. The FY 2014 tree budget had already been exhausted when this tree was flagged as a risk. While the amount budgeted in a particular line item is not an absolute, in this case the estimates for tree removal exceeded the limit by more than double of what was appropriated. A budget amendment was not considered because he thought the risk of the tree falling was not imminent. Factors for evaluating risk include whether the tree is large enough to do damage and where it is likely to fall. If a home, driveway or power lines are likely to be hit, the tree will be assigned a higher priority for removal.

TA Murphy said that one of the difficulties in evaluating risk is the absence of an independent opinion. The Town cannot always be sure if the advice of a tree contractor to remove a tree is influenced by a financial interest or not. Mayor Calvo agreed. The Town should hire an arborist, who will not be considered for a contract to remove trees, to give an opinion about a tree. This will also help with insurance claims if property is damaged by a Town tree. He said that the tree budget may have to be increased, but that it should be done on the basis of a clear policy for tree removal. The mere request from a resident to have a Town tree removed, for example, is not sufficient reason to remove it.

CM Rasmussen agreed. The Town should not be taking down trees for the asking. Instead, he thinks an

effort should be made to preserve the Town's big, old shade trees where possible. This tree might have been saved by cutting off the limb that was splitting and leaving the rest standing. Mike Attick, 62nd Avenue, said that it may be less costly to use contractors, such as Asplundh, who have a lift on their trucks, for cutting down very tall old trees. In recent years, the trees that have fallen are mostly the big, old trees.

CM Schreiber said the Public Works Department does not have a tree expert on its staff to either evaluate the health of trees, or decide when to call in an expert. It may be useful to have a checklist to decide when to call in a trained arborist. The checklist could include such warning signs as splitting trunks, dead branches or leaves turning brown early. Council agreed this is a good idea.

Mayor Calvo said that it may be more cost effective to train a staff person to become a tree specialist than to hire one, depending on how often an expert opinion is needed. More importantly, Public Works needs to get a better handle on its tree budget by basing it on actual tree-related expenditures. Further, there should be a trigger for when the Public Works Director brings a matter such as this to the Council's attention when more money is needed. Spending the tree budget within the first 6 months of the fiscal year should be a trigger. He also thought it is time to write down the procedures and practices for handling Town trees and develop a policy. This could be a departmental policy that does not necessarily have to be approved by the Council, although he would like to review it and give input.

MPT Kulpa-Eddy said that the Council should have a say on the policy, especially if it is to serve as a template for formalizing other departmental practices and procedures. CM Rasmussen suggested that a tree policy include some broad principles, such as trying to preserve old shade trees and using only independent tree experts that do not bid on tree work at the same time.

At 8:35 p.m., the Council took a 5 minute break.

Flood recovery fund: Mayor Calvo said he drafted a flood recovery assistance form that he would like the Council to review and approve. He explained that only those residents who submit an application would be eligible for receiving assistance. The application establishes an income threshold for priority applicants. The threshold is set at 80% of the area median income (AMI of a household) and documentation will be required. MPT Kulpa-Eddy recalled that the Council had previously agreed to give money to all residents who had their power cut off regardless of income. Mayor Calvo said he still wants to do that, but does not want to compensate them for the full cost of restoring power.

Mayor Calvo continued that the other qualifications for assistance include: 1) whether an insurance claim has been filed and received; and 2) whether an applicant has received compensation from WSSC. He had a productive conversation with WSSC's General Manager Jerry Johnson, who said that several homes on Cunningham Drive had received compensation out of 9 who claimed damage from sewer backups. He clarified that storm water can enter the sewer system through man holes when streets are flooded and cause backups. He also agreed to talk about WSSC's process for notifying the Town when they plan to work on the streets. That conversation is to be continued.

MPT Kulpa-Eddy said that a deadline for submitting the forms should be set. She suggested August 5 or National Night Out. The Council agreed. CM Rasmussen said that he would ask for information on what type of damage the home had suffered and things that were lost, instead of just for a dollar amount of the losses. Mayor Calvo said he will have the forms distributed by the Police Department

and by emailing them to list of people that he has been in contact with.

Town Council priorities, categorized: Mayor Calvo said he provided a revised set of Council priorities based on categories established by the 45th Council and incorporating some of the earlier priorities. He differentiated between the broad Council priorities and the more specific Council agenda items. For example, he included "formalize policies" as a Council priority. It encompasses the writing down and documenting of practices and procedures (such as for tree removal, business licensing or tuition reimbursement) for a whole range of issues developed under TA Murphy's tenure. Council priorities also include hiring a new town administrator, completing the sidewalks and emergency generator projects, developing a street repair plan, and marketing Berwyn Heights.

Mayor Calvo continued that priority categories also comprise multi-departmental initiatives and departmental priorities, which may or may not rise to the level of a Council priority at some point. For example, developing a formal abatement and demolition process is a responsibility of the Code, Public Works and Administration Departments and requires their cooperation, while implementing the acceptance of credit cards is a departmental priority of the Administration Department. In response to CM Rasmussen, Mayor Calvo suggested an urban forest initiative is a Council agenda item, but might be considered as an aspect of marketing Berwyn Heights, a Council priority.

The Council did not have any additions or deletions for the list, but desired to complete the items that are on it. Mayor Calvo said it is his hope that the department directors will form a leadership team that meets on a regular basis to address many of these priorities and bring proposals to the Council for input.

Monthly department reports: Mayor Calvo said that, starting in August, he would like every department to provide monthly reports to the Council. They should be high-level summaries of what happened in the department in that period and highlight any unusual trends or incidents. Each department director should develop his own format for the report and submit to the Council for feedback. For example, in Administration he would like to know about income tax disbursements, business licenses issued and changes in property tax receipts.

Town Administrator briefing: TA Murphy said that he worked primarily on the sidewalks and emergency generator projects. The 63rd Avenue sidewalks site plans have been approved by SHA, but he is waiting to hear from the Presbyterian Church whether a temporary grading easement needs approval from the Presbytery. The priority 1 sidewalks and associated stormwater management project are still awaiting approval from the Prince George's County Department of Permits, Inspections and Enforcement (DPIE) and the Soil Conservation District. The concept plans have been approved but there appears to be another holdup on the detailed site plans. He plans to retain a service that will help him complete the County permitting process.

TA Murphy continued that, after speaking with MPT Kulpa-Eddy, he made closing the books on FY 2014 his top priority. He needs to inform the auditors what is going to be transferred in and out of surplus so they can proceed with the audit. He asked them to have the audit done by September 30. Another priority is completion of the emergency generator project. The Planning Board has advised him that an enclosure for the generators must be included in the site plans. The engineers have been told to revise the plans accordingly. He hopes he will have approval by the end of August so that the Town can go out to bid by September.

Mayor Calvo said that he spoke with Ms. Tuck Parrish from Novak Consultants about the town administrator search today. At this point, they have received 42 applications of which 12 look promising. They represent a good mix of candidates with different experience levels and a variety of backgrounds. Only one third of the applicants come from Maryland. The salary range is higher than what the Town currently offers, as the market for town administrators is tight. The Town may have to consider offering a higher salary. Ms. Tuck Parrish has provided a memorandum summarizing the pool of applicants, which he will forward to the Council.

57th Avenue block party: Mayor Calvo said that the Town received an application to close the 8900 block of 57th Avenue to hold a block party. The Council has granted these requests on previous occasions and he supports efforts to get neighbors of a particular block together for a party. However, this party does not fit the block party mold. The resident making the request does not live on this block. The party is not designed to bring neighbors of a block together. It is a children's back-to-school party with carnival games and a band. But what raises a flag are plans to charge a fee. He is opposed to anyone charging a fee for a party, be it on private property or on the street.

MPT Kulpa-Eddy asked if the applicant were not to charge any fees would the Council approve it. Mayor Calvo said that is a different question. He thinks this kind of party should take place at the Town Center, which can accommodate it. CM Rasmussen moved to deny the request. CM Dennison seconded. The motion passed 5 to 0.

Four cities agenda: The Council reviewed the draft agenda for the next Four Cities meeting. Nothing was added to Berwyn Heights' agenda, which includes addressing storm drain system problems, solar panels for municipal buildings, partnering for road surface analysis, and Route 1 pedestrian safety update. Clerk Harper clarified that both Greenbelt and College Park requested the "free spay/neuter grant application" as an agenda item.

Tuition reimbursement request: Mayor Calvo explained that during the 2006 budget season former Councilmember Paul McNulty proposed to set up a tuition reimbursement fund for employees. The Council approved a draft tuition reimbursement policy that provides \$1,000 per year to an employee on a first-come, first-serve basis. The draft proposal was supposed to become a section in the Town's personnel manual after further modifications had been made. Although the policy was never finalized, it became the basis for awarding tuition reimbursements to employees. The money was taken out of an employee benefits miscellaneous appropriation as there was not an individual line item for it.

Mayor Calvo said that Clerk Carter was the first recipient of this grant and Public Works Director Lockley, who is working on a bachelor's degree, has received it for the last 2 years. The Council never formally approved the requests but they were informed that these employees requested and received the tuition funds awarded by the Town Administrator. For the coming school year, Mr. Lockley continues to pursue his degree and has again submitted a request for tuition reimbursement. He is inclined to grant it because it is relevant to his position. Ms. Carter also submitted an un-anticipated request, indicating that she will be pursuing master's in business administration. He does not support funding this request because 1) it is not directly relevant to her position; 2) the Town already funded her for her bachelor's degree; and 3) she did not receive prior written approval.

Mayor Calvo asked for motion to award \$1,000 in tuition reimbursement to Mr. Lockley. CM Dennison

so moved. CM Schreiber seconded. CM Rasmussen said he would support splitting the money between the two applicants. The draft policy states that the degree does not have to be directly relevant to an employee's primary function. Also, she may not know that prior written approval is required. Mayor Calvo said that she was the first recipient of this money and at that time sought and received prior approval. This time, her request is a surprise. The Council voted 5 to 0 to fund Mr. Lockley's request only. The Council further agreed to finish the tuition reimbursement policy.

6. Code Compliance

Code supervisor first year goals: CM Rasmussen provided a revised list of year one goals. The list was arrived at in a discussion with Code Supervisor Simpson. It places short term goals at the top and medium and long-term goals further down the list. The short-term goals are things that must be accomplished immediately for Mr. Simpson to be successful, such as developing strong work relationships, and learning the Town's rental and property maintenance code. The development of plans, strategies and systems to improve the Code Department's operations were placed at the end of the document because they probably take longer to implement.

Mayor Calvo said his main concern with the revised list is that it prioritizes things that are not concrete and measurable, e.g. reviewing and learning the Town code. The list he provided earlier is topped by specific goals that can be measured. Among those, implementing a code violation tracking system is priority 1. He thinks the way the Code Department currently tracks violations generates a huge amount of paperwork and is very inefficient. Mr. Simpson already implemented a code tracking system for Mount Rainier and is well equipped to do it here. He would like him to tackle this at the outset and improve the efficiency of the department.

Another goal he considered a high priority - implementing a system to deal with refuse and recycling violations - was moved down to number 12 and subordinated to developing systems to address crossover issues. He sees better enforcement of the Refuse Ordinance as part of an effort to move to a 4-day collection system: Monday refuse collection north of Pontiac; Tuesday south of Pontiac Street; Wednesday recycling; and Thursday refuse collection for entire Town. This would free up Friday for other activities, and could yield \$20,000 in performance efficiencies in the Public Works Department.

CM Rasmussen replied that his document is more of a plan of action for Mr. Simpson than a compilation of broad policy objectives. It reflects the importance of achieving code objectives in cooperation with the other departments. Mayor Calvo agreed that it is important to develop strong relations, but would prefer to tie this and other goals to specific measures: protocols for regular communication with the Council, directors and his employees; plans for dealing with repeat offenders and vacant properties; calendar for notices, renewals and inspections of rental properties.

TA Murphy said, given that Mr. Simpson is new to Berwyn Heights and this is his first management position, the goals should be fairly specific, but need not prescribe how they are to be achieved. MPT Kulpa-Eddy said all goals on CM Rasmussen's list are useful, but she thinks the list may be too long. It may be helpful to focus on a handful of top priorities. CM Schreiber said that being specific about what should be accomplished in year one seems advisable for a new manager. However, it may make sense to have two lists - one for specific, measurable objectives and one for longer term goals.

Mayor Calvo suggested 5 top priorities: 1) standard operating procedures for the rental program; 2) effective enforcement of repeat violations; 3) process for addressing vacant properties; 4) joint

enforcement of refuse and recycling violations; and 5) community outreach using educational pamphlets. CM Rasmussen agreed to revise the list taking the Council's advice into account.

7. Executive Session (10:53 p.m. - 11:05 p.m.)

On a motion by MPT Kulpa-Eddy, and second by CM Dennison, the Council went into executive session to discuss a personnel matter. With the matter discussed, MPT Kulpa-Eddy moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 11:06 p.m.

Signed: *Kerstin Harper, Town Clerk*