



Town of Berwyn Heights

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Minutes Worksession June 3, 2014

The meeting was called to order at 6:00 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 were Town Administrator (TA) Edward Murphy, Clerk Kerstin Harper, and citizens.

1. Executive Session (6:00 p.m. - 7:07 p.m.)

TA Recruitment: CM Rasmussen moved and CM Dennison seconded to go into an executive session to discuss the recruitment plan for a new Town Administrator. With matter discussed, CM Rasmussen moved and CM Dennison seconded to close the executive session. The meeting then proceeded with the regular order.

2. Mayor

Agenda: The following items were added to the agenda: introduction and explanation of Council proceedings and school zones speed limit change.

Announcements: The deadline for registering to vote is today at 8:00 p.m.

Introduction (added item): Mayor Calvo explained the agenda and meeting procedures for the benefit of the new councilmembers.

Calendar: The dates for the first and second worksession of August were moved to August 11 and 25, respectively. The August 11 worksession will start at 6 p.m. with an executive session to screen TA candidates. The first worksession of September may be moved to September 8, if Hello Huskies is on September 2.

Minutes: On a motion by CM Dennison and second by MPT Kulpa-Eddy, the April 21 worksession minutes were approved 4-0-1, with CM Rasmussen abstaining. The May 14 Town meeting minutes were distributed.

Department Reports: Mayor Calvo reported that he was busy meeting with Councilmembers and directors to make department assignments. He also took the time to get more familiar with Code Department operations, as the Council will soon hire a new Code supervisor. He learned a lot from

talking with staff and participating in a rental inspection and a patrol. Currently, the Code Department is focused on vacant homes and thinking about how to accelerate the abatement process. Regarding the police, he is happy to report that the perpetrator in a Berwyn Heights homicide from 2 years ago was convicted, thanks in part to the collaboration and testimony of Officers Roberson and Thompson. Further, a customer of the 7 Eleven on Edmonston Road was robbed last week in the early morning hours.

MPT Kulpa-Eddy said the Prince George's County Planning Department is undertaking a comprehensive update to the Prince George's County zoning ordinance and subdivision regulations, which has not been updated in 50 years. County residents are invited to give input at upcoming listening sessions on June 3, 4, and 5. She will attend the June 5 session in Riverdale. On June 12, the Chesapeake overlay zone will be up for discussion. CM Dennison announced that the Recreation Council will review Berwyn Heights Day at the next meeting on Thursday. The Green Team's community garden is almost complete and looks good. Mayor Calvo announced that the Green Team has completed all requirements for the Sustainable Maryland certification and will submit it soon.

Citizen comments: Mayor Calvo received a reminder about posting no-soliciting signs. The signs will be posted at the entrances to the Town and announce that solicitors must have a Town permit.

Robert Baker, Osage Street, commented on a mudslide in his back yard caused by the improper application of fill dirt by his neighbor. He thinks the neighbor violated zoning laws by back-filling his property without a retaining wall. The fill dirt is piled up against particle board leaned against a chain link fence, which is now failing. Mayor Calvo replied that the County and Town failed to deal with this problem when it came up. Meanwhile, the owners who created the situation sold the property. The new owners have not yet dealt with the problem. The Town will have to figure out a way to address it.

At 8:03 p.m., the Council took a 5-minute break.

Council priorities: Mayor Calvo asked Councilmembers to brainstorm goals and priorities for the Council's next term. The following issues were put on the table:

- Comprehensive road repair plan
- Street lighting for dark areas
- Tree maintenance and Town-wide shade tree plan (County has tree planting grant)
- Completion of priority 1 sidewalks
- Completion of emergency generator project
- Amenities and programs for local schools
- Marketing Berwyn Heights (possibly in the context of FBI headquarters relocation)
- Improve outreach through website, BHTV and social media
- Hiring and training a new Town Administrator
- Repositioning Code Department to enforce the Town's community standards
- Developing strategies to improve and/or modernize the Town's housing stock
- Regulating construction of oversized homes (in conjunction with PGCMA and County zoning office)
- Attracting new businesses (in conjunction with Four Cities)
- Permanent location for police department and fire department
- Dog park
- Increasing composting to reduce refuse (in conjunction with Green Team)

- Outreach to ethnic communities
- Transition to acceptance of credit cards
- Upgrade agenda packets
- Overhaul personnel manual, Council Rules, Election Ordinance

FY 2014 budget amendment: Mayor Calvo explained that, every year, the Council has to reconcile actual revenues and expenditures for the current year with what was budgeted, which is done through a year-end budget amendment. TA Murphy provided the revised Ordinance 167 - FY 2014 Budget Amendment, and an updated statement of actual revenues and expenditures. He said that the reconciliation is still ongoing. At this point, he is budgeting \$65,000 from surplus to balance the budget but is working to reduce that amount. General Accounting Standards now allow for insurance recovery to be designated as revenue, which adds \$28,000 in insurance receipts to the balance sheet. Second, income taxes are likely to come in at least \$40,000 over budget. Another adjustment he made is the distribution of merit increases and COLAs to the departments, based on the merit increases earned by employees in each department. A deficit of \$6,200 in General Government will be addressed by shifting the expense for the code supervisor search to the Code Department, which has money to absorb it.

Mayor Calvo commented that the code supervisor search expense can be shifted without a budget amendment. Further, there is no need to try to reduce the money taken from surplus to balance the budget. The amount of surplus ultimately will be determined by the audit. The goal of the budget amendment is to make sure there are adequate funds in each major activity to cover projected expenses. The question is if any departments are over-budget and need additional funds. TA Murphy said that the Town Center budget is over budget, but he has not yet determined why. MPT Kulpa-Eddy thought several unexpected repairs in the Town Center may be the reason.

Mayor Calvo noted it appears to be only the *maintenance & repair* line item, which is over budget. It would be easier to see where the problem lies if maintenance and repairs were tracked in separate line items. TA Murphy was asked to find out why the Town Center budget is over budget, and to separate maintenance and repairs in all department budgets. The Council is to be emailed the revised budget amendment before it is adopted at the June Town meeting.

In response to CM Rasmussen and CM Schreiber, Mayor Calvo explained the Town Charter prohibits spending money in excess of what was appropriated for any major activity. A major activity is a budget category, such as a departmental budget, or the Town Center budget, under which specific line items are aggregated.

Energy efficiency grant: TA Murphy explained that the Town is a participant, with several other Prince George's municipalities led by the Town of Bladensburg, in an energy efficiency grant program that provides funds to 15 low income families to make energy efficiency improvements to their homes. There are two funding sources for different types of energy improvements: 1) the Maryland Energy Administration (MEA) EmPOWER Communities Grant finances upgrades to more energy efficient equipment inside the home, such as HVAC, water heaters, etc; and 2) the Department of Housing and Community Development (DHCD) Community Legacy Grant provides funds to make homes more energy efficient by installing new windows and doors, for example. In order for Berwyn Heights to qualify for the Community Legacy Grant funds, the Town has to be a Sustainable Maryland certified community, which it will be soon, and sign a Memorandum of Understanding with the Town of

Bladensburg, which can be taken up at the June Town meeting.

TA Murphy said 3 families have signed up so far. He is attempting get a total of 20 home owners to apply by advertising in the Bulletin and on the website, and by sending out targeted letters. MPT Kulpa-Eddy asked for clarification of Article 8 (a) of the MOU. Mayor Calvo said, although it is awkwardly written, the Article provides for the Town to hold DHCD harmless for any liability in connection with the program. However, if a problem or legal issue arises from the program, the Town's insurance carrier will cover it.

CM Rasmussen asked at what point the Town decides to get legal advice. Mayor Calvo said it is a judgment call. Usually, the Town Attorney is consulted when a new ordinance is adopted. A recent example is the legal opinion requested for write-in candidacy procedures. In the case of this MOU, the municipalities and state agency share the same insurance carrier. It is unlikely there would be any coverage issues.

3. Administration

Bulletin cover: The following items were approved for the July Bulletin cover: 4th of July theme; National Night Out and holiday trash collection schedule announcements.

4. Code Compliance

Vacant homes: Mayor Calvo explained that there are two vacant homes in Town that have been declared unfit for human habitation after years of neglect. Both have holes in the roof and water damage. Descendants of the deceased former owners have been identified and informed of the possible condemnation, but have so far not taken any action address the problem. Both homes also have untagged inoperable vehicles in the driveway, which makes it difficult for the Town to abate the overgrown properties. The condition of the homes is such that it is now cheaper to tear them down than to rebuild them.

TA Murphy explained the issue the Council has to decide is by which process the homes are to be condemned and demolished. If the Town decides to condemn the homes, it will have to pay for demolition upfront. The money will be recouped when there is a tax sale or the liens are paid off after the properties have been sold. Alternately, the Town can wait for the County to condemn the homes, which requires court approval. In this case, the County would perform and pay for the demolition, but it can take years to be done.

Mayor Calvo said, tonight, he would like the Council to consider establishing a sinking fund to finance abatements and demolitions, although a formal process for demolitions still needs to be established. Further, he would like the Council to authorize removal of the untagged vehicles from these properties. Removal should probably follow the County process, which allows for inoperable vehicles to be towed. The Town's Clean Lot Ordinance actually allows unregistered vehicles to be parked on a property if they are covered. However, the prescribed cover should fit the vehicle; it should not be a tarp tied with strings, as is the case with the cars on these vacant properties. Lastly, he would like the Council to approve the abatement of the vacant properties after the vehicles have been removed.

MPT Kulpa-Eddy and CM Rasmussen expressed concern that the owners of untagged and inoperable vehicles are notified before they are turned over to the County for towing. TA Murphy was asked to find out about the County's process for towing inoperable vehicles and to notify owners that the County

has been asked to remove the vehicles. CM Rasmussen moved and CM Schreiber seconded to have the County tow the vehicles in question. MPT Kulpa-Eddy further requested the Town get assurances from the County that towing is limited to only the specific cars identified. The motion passed 5 to 0, subject to the limitation.

Mayor Calvo said that he would like to set up an abatement fund sooner rather than later, in order to expedite the sale of the troubled properties. This should probably be done with a budget amendment. CM Rasmussen said that it may also require establishing ground rules on how the funds can be used, as the money recovered from liens or tax sale is not necessarily equal to the money spent on demolitions. No decision was made to set up the fund, but the issue was designated a Council priority for the next term. TA Murphy was asked to contact the County to set their condemnation process in motion.

Nothing was discussed under **5. Parks and Recreation.**

6. Public Safety

School zone speed limit: Mayor Calvo explained that the state legislature recently changed the speed camera law to raise the speed limit in school zones from 15 mph to 20 mph. The Town's speed camera vendor has informed TA Murphy they will not issue tickets unless the new speed limit is posted. This means the Town has to buy new signs. It also means that fewer tickets will be issued because speed camera tickets can only be issued if a car goes 12 mph over the posted speed limit, or 32 mph. The police however, could start issuing tickets to any car going over 20 mph.

MPT Kulpa-Eddy asked if the speed limit increase also applies to the other streets surrounding the school, Quebec Street and 63rd Avenue. Mayor Calvo said he thinks the speed limit change only applies to those areas where speed camera monitoring is in effect. So, he would propose to only change it in the 6200 block of Pontiac Street. CM Schreiber so moved. CM Rasmussen seconded. MPT Kulpa-Eddy asked if the speed limit written on the pavement must also be changed. TA Murphy said it would. The motion passed 4 to 1, with MPT Kulpa-Eddy opposed.

7. Public Works

Surplus 1994 refuse truck: TA Murphy explained that this is the Town's oldest trash truck and can no longer pass County inspection. The vehicle also has a broken packer blade and other problems. It can not haul any refuse, nor be converted to any other useful purpose. Therefore, Acting Director Lockley has requested permission to surplus the vehicle. The intent is to give it to the Berwyn Heights Volunteer Fire Department for training purposes.

Mayor Calvo proposed the Town try to sell it first. It may have some value, especially since it has a new transmission. If it can't be sold, then it can be given away. CM Rasmussen asked that the Council be given an estimate on the scrap value of the truck together with any bids that may come in. Mayor Calvo asked for a motion to surplus the truck for maximum value. CM Schreiber so moved. CM Dennison seconded. The motion passed 5 to 0.

8. Executive Session (10:07 p.m. - 10:34 p.m.)

On a motion by CM Dennison and CM Schreiber, the Council went into executive session regarding two personnel matters. With matters discussed, CM Dennison moved and CM Schreiber seconded to end the executive session.

The meeting was adjourned at 10:35 p.m.

Signed: *Kerstin Harper, Town Clerk*