



# Town of Berwyn Heights

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## Minutes Worksession June 16, 2014

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 were Clerk Kerstin Harper, and C. P. Johnson representatives Robin Barnhardt and Brendon Freeman. Town Administrator (TA) Edward Murphy had an excused absence.

### 1. Mayor

**Announcements:** An executive session interview for the Public Works director position will begin at 9:00 p.m. TA Murphy is out of the office recovering from surgery. The Mayor will visit with him tomorrow to discuss Town matters.

**Calendar:** Mayor Calvo and MPT Kulpa-Eddy will be away next week. Councilmembers need to coordinate the check signing.

**Minutes:** On a motion by CM Dennison and second by MPT Kulpa-Eddy, the May 12 worksession minutes were approved 3-0-2, with CMs Rasmussen and Schreiber abstaining. On a motion by CM Dennison and second by MPT Kulpa-Eddy, the June 3 worksession minutes were approved 5-0.

**Department Reports:** Mayor Calvo reported that he spent much of the previous week coordinating the response to the flash flood that affected many Town residents. The Code supervisor position has been filled. The new supervisor will start to work in early July. MPT Kulpa-Eddy reported that the audit of the payroll will start next week. CM Dennison announced upcoming events. CM Rasmussen said he is pleased that the Code supervisor position has been filled.

Mayor Calvo said that the Council appropriated \$2,000 in FY 2014 to help fund an after school computer lab run cooperatively by Berwyn Heights Elementary School (BHES) and the Community Center. This project did not come to pass. However, there is an opportunity to fund technology learning at BHES. He is discussing the modalities for such assistance with Principal Singer and the PTA.

**Citizen comments:** Mayor Calvo received comments about the flash flood, the Greenbelt Road resurfacing and trash accumulation behind the new Little Caesar's pizza restaurant. CM Rasmussen received a comment about invasive species problems in the Town. This mostly concerns bamboo and is treated as a clean lot violation.

***Sidewalks engineering update (added):*** Mayor Calvo welcomed C.P. Johnson engineers Robin Barnhardt and Brendon Freeman, who came to give an update on the engineering and permitting of the sidewalks project. For the benefit of the new councilmembers, Mayor Calvo explained that the Town contracted with the C. P. Johnson last year to design both the priority 1 sidewalks project, which stretches from Sports Park to Greenbelt Road at 60th Avenue, and a *Safe Routes to School* grant-funded sidewalks project for the 8900 block of 63rd Avenue. The engineering plans have been drafted and submitted to Prince George's County and SHA for approval. The Town is waiting for the permits.

Ms. Barnhardt explained that approval of the priority 1 sidewalks engineering plan is subject to receipt of permits for sediment control from the Prince George's Soil Conservation District and stormwater management (SWM) from the Department of Permits, Inspections and Enforcement (DPIE). The sediment control plan has been given preliminary approval but is contingent on the approval of the stormwater management plan. C. P. Johnson has submitted the SWM concept plan on June 4, and was supposed to, but did not receive approval by today. Upon receipt, they will incorporate any changes and resubmit a detailed plan to DPIE for final approval. Final approval may take up to 2 months from the date of submission.

Mayor Calvo elaborated that an SWM plan is required because the new sidewalks will add up to 20,000 square feet of impervious surfaces in Town. This will generate additional stormwater runoff that must be mitigated. The Town has proposed to offset the additional stormwater runoff with an SWM facility at the Public Works yard. The cost for the entire project is in the FY 2015 budget. Ms. Barnhardt said that the SWM plan calls for collecting the runoff at an inlet that contains a set of filters that clean the water before releasing it downstream. The filtration system, called a jellyfish, was chosen because it does not need much space or height differential to work. This system will need to be cleaned periodically and the cartridges replaced every so often. The main issue is whether the system offsets the required 20,000 square feet. She believes that, with the added runoff from the roof of an adjacent business, the requirements will be met.

Mayor Calvo noted that the total impervious area added may turn out to be less than 20,000 square feet because sidewalks are pinched to avoid obstacles and built into the existing roadway in some locations. CM Rasmussen asked if any taxable square footage will be removed from private properties. Mayor Calvo said that is not the case, but a couple of easements are needed. He asked if the process to obtain easements has been started. He hopes the Town is able to go out to bid as soon as it receives the County permits by the end of this summer. Ms. Barnhardt said she will have to look into it.

***63rd Avenue sidewalk (added):*** Mayor Calvo said that construction of a sidewalk along the east side of the 8900 block of 63rd Avenue is a separate project, funded by a *Safe Routes to School* grant, which is administered by SHA. This section of road funnels Berwyn Heights students walking to Greenbelt Middle School to a signal crossing at Greenbelt Road.

Ms. Barnhardt said that SHA has reviewed the plans and commented that the ADA accessible ramp, as shown in the plans, does not meet ADA requirements. C. P. Johnson has revised the plans to show a wider flare for the ramp in question and sent them back to SHA today. The environmental conditions for the project have been met. No SWM mitigation is required as the project falls under the 5,000 square feet threshold. TA Murphy has been working with C. P. Johnson's engineer Gary Dyson on an easement. She will ask Mr. Dyson to apprise the Council of the status of the easement.

At 8:04 p.m., the Council took a 5 minute break.

**Flash flood recovery:** Mayor Calvo said that Town has put together a preliminary list of residents whose properties suffered damage as a result of the June 10 flash flood. In the end, there were only 12 homes that lost power as a result of flooding. Nine of those had power restored by last Friday, June 13. The remaining 3 homes are in the process of getting power restored today and County inspections done by tomorrow. While the County's initial response to the flood was good, the follow up was inadequate, prompting him to contact County Executive Baker. Particularly, the coordination of County inspections with Pepco to restore power was bad. He also reached out to Pepco's Vice President of Public Affairs, Jerry Pasternak, who had not heard about this problem but helped facilitate the process of restoring power. Mr. Pasternak agreed to work with the Town to change a policy that charges homeowners \$350 for turning power back on after an emergency.

Mayor Calvo further reported that the Town established a flood fund where people can donate to help flash flood victims. So far, around \$2,000 has been collected. While this generosity is very commendable, the cost to repair flood damage is estimated in the \$100,000s. He hopes that the fund will rise to \$10,000 and would like the Town to consider making a donation as well. Once the collection is over, some eligibility criteria need to be established to distribute the funds. This might include a means test, and/or determination of whether the home is a private residence, and had a loss of electricity.

CM Schreiber asked if there was a precedent for the Town compensating private losses, and if not, whether the Town should set a precedent for it, lest homeowners come to rely on the Town for assistance in similar circumstances. Mayor Calvo said that this circumstance was unique in that the flooding was largely due to a failure of the County's SWM system, and will not be covered by private insurance because the homes are not located in a flood plain.

CM Rasmussen agreed with CM Schreiber about not setting a precedent for compensating residents. As for eligibility criteria, he recommended to focus on the needs of the occupants of the flooded homes, regardless of whether it is a rental home or a private residence. He further suggested that sorting out eligibility criteria and assistance be turned over to a non-profit organization with experience in emergency recovery. He cautioned not to publicize the amount donated to prevent homeowners from inflating claims.

Mayor Calvo thought that this is not a concern because there will not be enough money to compensate anyone for a large portion of their loss. Councilmembers are encouraged to give this some thought and discuss it at the next worksession.

**MML debriefing:** CM Schreiber said he learned that the Town of La Plata is looking into partnering with other municipalities to contract for examining the life expectancy of municipal roads. The contractor who performs the analysis has a minimum requirement of road miles to be tested, which cannot be met by a small town individually. He thinks La Plata will contact Berwyn Heights about partnering in the near future. Mayor Calvo added that the contractor has a truck with an x-ray machine that can determine the condition of the road surface. The testing costs between \$200 to \$400 per road mile. While this seems high, he thinks it would be worthwhile in the context of the overall price of road renovations.

CM Rasmussen reported that he attended a workshop on historic preservation. He learned that the State has money to assist homeowners restoring their historic homes and thinks the Town might be able to facilitate homeowners obtaining these resources. MPT Kulpa-Eddy said she attended workshops on issues that are already on the table, such as revising the election ordinance and the personnel manual and upgrading the Town's website. Mayor Calvo said he was interested to learn more about Healthy Eating, Active Living (HEAL) initiatives promoted by the Anacostia Trails Heritage Association. The Town tied into the program when it applied for a Maryland Heritage Association grant to improve bike trails and amenities in Town.

***Acting Town Administrator (discussed out of order):*** Mayor Calvo said that TA Murphy did not designate an acting Town Administrator when he went into the hospital. Normally, Treasurer Lape would step in as the second in command of the Administration Department. However, that does not necessarily include interdepartmental coordination. For that reason, he recommends making Treasurer Lape the acting Chief Financial Officer (CFO), while designating Chief Antolik as the acting Chief Administrative Officer (CAO), at least for the short term. As a department director, the Chief is in a better position to serve in that position and coordinate across departments.

MPT Kulpa-Eddy asked if TA Murphy could work from home, as he did last year when he was recovering from surgery. He skyped in for worksessions and communicated by phone and email. Mayor Calvo agreed that some of the work could be done from home but there are limitations, such as signing documents and following up on sidewalks. He and other Councilmembers may have to take up some of these tasks. If TA Murphy is out longer than a few weeks, an acting Town Administrator may have to be hired. He asked for a motion to appoint Treasurer Lape CFO and Chief Antolik CAO through July 7. CM Rasmussen so moved. MPT Kulpa-Eddy seconded. The motion passed 5 to 0.

***Animal shelter contribution (discussed out of order):*** Mayor Calvo said the County set aside \$200,000 to commission a feasibility study for an animal shelter for the Route 1 corridor, provided municipalities contribute a share. College Park agreed to contribute \$25,000; New Carrollton and Berwyn Heights \$10,000 each; and Greenbelt and University Park \$5,000 each; for a total of \$55,000. If this sum is adequate, the stake holders still have to work out the terms of an agreement before money is committed. Personally, he would not sign onto another County-run facility. He would prefer that a non-profit run the shelter, coordinating with the County and municipalities. A decision will have to wait until all interested municipalities have passed their budgets.

***No soliciting sign locations (discussed out of order):*** Mayor Calvo explained that the Town requires anyone who is not a resident and wants to solicit in Town to get a permit. However, there is no signage to that effect. Signs would inform solicitors that they need a permit, alert residents that solicitors should have a permit, and enable the police to point to the sign when they enforce the regulation. Acting Director Lockley has obtained a quote for 10 signs, and needs approval for the sign design and the locations. Mayor Calvo suggested they be posted one block back from the Town entrances along Greenbelt Road. Other locations might include Pontiac Street at Edmonston Road and Berwyn Road at Sports Park.

CM Schreiber asked if Town residents can solicit without a permit. Mayor Calvo said he thinks they can. The permit is a way to register vendors and have their contact information on file, in case there are complaints. CM Rasmussen and MPT Kulpa-Eddy expressed concern that there are already too many

signs posted at Town entrances creating visual clutter. CM Schreiber agreed. He does not recall seeing so many signs in similar neighborhoods. He suggested affixing the 'no soliciting' signs to the 'no through trucks' sign posts to reduce clutter.

Mayor Calvo thought that is a good idea and that 6 to 8 'no soliciting' signs are probably sufficient. CM Rasmussen said another approach might be to educate residents that solicitors must have permits. This could include presentations to the Seniors Club and/or publicizing in newsletters. Mayor Calvo proposed that the Council ask the Police Department to work with the Neighborhood Watch to come up with a comprehensive plan to educate the residents and the locations for posting signs. There were no objections.

***Performance evaluations (discussed out of order):*** Mayor Calvo explained that each June the Town Administrator distributes performance evaluation forms and guidelines to the directors for rating their employees. The forms have a section for rating the performance of all employees, and a section that applies only to supervisory staff. The evaluations serve as the basis for distributing merit increases, which the Council takes up in the fall, which go into effect on November 1. Once directors have rated their employees the evaluation forms are given to the Town Administrator for review, who is to ensure that ratings are consistent across the departments.

As a new responsibility under the Powers & Duties Ordinance, the Town Administrator will also draft the evaluations for directors, which are then reviewed and finalized by the Council. Councilmembers should also review the evaluations of their non-supervisory staff and give feedback to their directors. The newly-elected councilmembers were advised to consult with the previous councilmembers about their employees' performance and review past years' evaluations. The Council agreed to move the due date for evaluations back to July 31.

***Volunteer appreciation dinner (discussed out of order):*** For the benefit of the new councilmembers, Mayor Calvo explained that each year the Town invites everyone who volunteers in some capacity to a catered dinner to show its appreciation. All councilmembers are encouraged to attend.

### ***Council priorities (tabled)***

## **2. Code Compliance**

***Code supervisor goals:*** Mayor Calvo said that the recruiter drafted a list of goals for a new code supervisor derived from interviews she had with Town staff and councilmembers. He would like to postpone a discussion and fine tuning of the goals to the next worksession but asked that councilmembers review the draft. CM Rasmussen, as head of the Code Department, should take the lead in formulating a set of first year goals. MPT Kulpa-Eddy said she had started to draft such a document and would be happy to send it to CM Rasmussen and the entire Council, if desired.

***Ordinance 107 - untagged vehicle violations:*** Mayor Calvo said that he would like the Council to revise Section 5 (D) of *Ordinance 107, Clean Lot*, which regulates the storage of untagged, inoperable or junked vehicles on private properties. However, when reviewing the Ordinance, he saw other sections that should be clarified and revised, in particular the process for dealing with repeat violations. Therefore, he would like to open the Ordinance up for a broader review and asked councilmembers to familiarize themselves with the document.

Several agenda items to be discussed under **3. Parks and Recreation, 4. Public Safety, 5. Public Works, and 6. Administration** were discussed under **1. Mayor**.

**8. Executive Session (9:20 p.m. - 10:40 p.m.)**

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

The meeting was adjourned at 10:41 p.m.

Signed: *Kerstin Harper, Town Clerk*