



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

Minutes Worksession April 7, 2014

The meeting was called to order at 7:20 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) James Wilkinson and Councilmembers (CM) Rose Almoguera, Patricia Dennison and Jodie Kulpa-Eddy. Also present were Town Administrator (TA) Edward Murphy and Clerk Kerstin Harper, Neil Zsak and Joanne Pazmino.

1. Mayor

Announcements: CM Almoguera will be absent at the April 21 worksession.

Calendar: No changes were made.

Minutes: MPT Wilkinson moved and CM Dennison seconded to adopt the March 10 budget worksession. Approval was postponed because the printed copies had missing pages. On a motion by CM Kulpa-Eddy and second by CM Dennison, the March 24 budget worksession minutes were approved 5 to 0.

Department Reports: Mayor Calvo reported that the Green Team had a busy weekend getting the community garden ready for spring planting. Approximately 20 volunteers turned out to help build flower beds and spread mulch. The conversations about opening a second animal shelter in the Route 1 corridor are continuing. There is a lot of interest in a shelter that is nearby among residents of Northern Prince George's County. A \$150,000 planned feasibility study would be financed in part by Prince George's County and the municipalities in Northern Prince George's County. Mayor Calvo suggested Berwyn Heights contribute \$10,000.

CM Dennison announced that the Recreation Council has moved their next meeting to May 1 to discuss the Berwyn Heights Day program. CM Kulpa-Eddy reported that the Code Department is working on cleaning up an abandoned property. There have been no more complaints about overflowing dumpsters belonging to Domino's Pizza since Officer Hall and TA Murphy have spoken to the restaurant manager and the regional manager.

Citizen comments: MPT Wilkinson received comments on a tow truck that was ticketed by the County, about potholes, and about new speed camera legislation passed by the Maryland legislature. Mayor Calvo said that the Maryland Municipal League (MML) supported changes to the speed camera bill

that provides for a new billing arrangement between vendors and municipalities. The League did so in anticipation of the retirement of a key legislator, who has been working to keep speed cameras in place. MML believes that all speed camera legislation would be repealed next year if no bill had been passed this session.

Mike Attick, 62nd Avenue, commented that the tow truck that was ticketed by the County is now being parked at the Berwyn Heights Shell station. He also asked if the Town has received a notice about Homeland Security grant, what the Greenbelt Road boundary expenditures pertained to, and whether a decision has been made to purchase a new police vehicle. He was informed that the Town has not heard about the Homeland Security grant. In 2013 the Town incurred substantial legal expenses to litigate a boundary dispute with the City of Greenbelt. A decision to purchase a new police car has not been made, but a purchase order has been issued to reserve one. The Town is also contemplating increasing the contribution to the Berwyn Heights Volunteer Fire Department (BHVFD) to \$10,000 to help supplement declining revenues from voluntary contributions and ambulance billing.

Variance request - 5604 Seminole Street (discussed out of order): Mayor Calvo welcomed Neil Zsak who was present to request the Town's support for a zoning variance at his Seminole Street property. Mayor Calvo said that the Council approved a variance for the proposed front porch addition with the provision that the additional stormwater runoff generated by the porch roof be routed into a dry well instead of stormwater drains at the last worksession. However, Mr. Zsak asked for further guidance.

Mr. Zsak said that he has spoken to a contractor about installing a dry well in his front yard to mitigate the runoff from his down spouts. The estimate was \$6,000. He would like to know if there are specifications or guidelines from the Town or Prince George's County on dry wells to ensure he is meeting the requirements. TA Murphy noted that the routing of the runoff from the garage into a dry well would be difficult because it would require trenching across the driveway. He suggested allowing the owner to install a rain barrel for the garage down spout instead.

Mayor Calvo said he is surprised that a dry well would cost so much and thinks that rain barrels would be sufficient to slow the runoff. He asked if someone would make a motion to amend the Council's previous decision to allow installation of rain barrels instead of a dry well. MPT Wilkinson said that rain barrels are not as permanent as dry wells and could easily be removed by the next owner. He suggested that all rain drains from the new porch roof be directed away from the driveway and into the yard. CM Dennison moved to allow the owner to use rain barrels to mitigate stormwater runoff, provided this arrangement runs with the deed. MPT Wilkinson seconded. The motion passed 5 to 0.

At 8:02 p.m., the Council took a 5-minute break.

Town Administrator ordinance: TA Murphy provided a draft of a new Ordinance No. 121 that clarifies the policy and operational authorities of the Town Council, the Town Administrator and the individual Councilmembers under the Town Charter. The role of the Town Administrator is redefined to give him more control over the daily operations of the Town government and ensure better coordination and efficiency of departments.

TA Murphy said the Ordinance tries to capture the points made on this subject at the last worksession and incorporate an outline of the Ordinance drafted by Mayor Calvo. Sections 1 - 3 of the Ordinance define the relationship of the Town Administrator with the Town Council, at whose pleasure he serves.

Sections 4 - 6 describe the principle duties of the Town Administrator, including his function as the Chief Administrative Officer (CAO) and Chief Financial Officer (CFO). Section 7 has a comprehensive list of more specific responsibilities. Section 8 positions the Town Administrator as the gate-keeper and coordinator of matters that need to come before the Town Council. Section 9 states that the Town Administrator can be removed by the sitting Town Council in accordance with the law. Section 10 reserves policy making authority for the Town Council.

In reviewing the draft, the Council asked to 1) add a section with definitions, including a definition of "policy," "surety," "blanket bond," etc.; 2) reorder all Ordinance sections in accordance with importance, such as placing Section 10 on policy matters nearer the top; and 3) clarify and rephrase certain duties of the TA listed in Section 7, such as subsections A - enforcement of ordinances, B - preparation of Council meetings, and I - management of employees.

Further, Section 5 on designating an Acting Town Administrator in case of absence of the Town Administrator need not list reasons for absence, and should be made to conform to the provisions of the Personnel Manual. A succession might be pre-determined as part of a standing policy. Section 6 should clarify the Town Council as having ultimate hire and fire authority of all employees. In Subsection 7 (K), a whistle-blower protection should be added. In Subsection 7 (L), a collective bargaining provision should be deleted. Subsection 7 (Y) requiring the Town Administrator to devote his entire time to official Town duties, could be stricken and instead incorporated into the employment contract. Alternatively, if there is no conflict of interest in the discharge of non-Town duties or holding other positions by the Town Administrator, they could be permitted.

The Council agreed that an additional discussion of the Ordinance may have to occur at a budget worksession and that Council Rules relating to the authorities of the Council and Administrator may also need to be changed.

Town Council compensation: TA Murphy explained that Ordinance No. 108 - Town Council Compensation was amended, per prior discussion of the Town Council, to increase the monthly stipend of a Councilmember from \$150 to \$250 per month. The increase will become effective January 1, 2015. The Ordinance will be up for introduction at the April Town meeting.

Write-in candidate rules: Mayor Calvo said that at least 2 seats on the next Town Council will likely be filled by write-in votes as only 3 candidates are officially running for Council. Town Attorney John Shay advised that any Town Council candidate must file a financial disclosure under the State-mandated Ethics Ordinance adopted by the Town in 2012. A *write-in candidate*, who actively campaigns for a seat and solicits votes, is distinct from a *write-in vote*, a resident whose name is written in on a ballot without his knowledge or encouragement. Any resident wishing to run as a *write-in candidate* should file a financial disclosure and a Petition of Candidacy to formally register with the Town. As there are no provisions for write-in candidacy in the Town Charter or ordinances, the Town Council needs to establish some guidelines.

After discussion, MPT Wilkinson moved and CM Almoguera seconded to permit write-in candidates to

- participate in Candidates' Night if they file a financial disclosure and Petition of Candidacy by April 22;
- be listed in the May Bulletin as write-in candidate if they submit their papers by April 22; and
- be listed on a sample ballot in the polling station on election day if they submit their papers by

April 30.

The motion passed 5 to 0.

Addressing a concern about possible "back-door" candidates, someone who solicits votes but does not file any papers, the Council agreed to ask those elected to the Council without having filed papers to swear that they did not actively solicit votes. If this turns out to be untrue, they could be removed from office.

Pepco energy incentive program: TA Murphy explained that Pepco is offering to replace T8 light bulbs with LED T8 light bulbs as part of a new energy saving initiative. All light fixtures in the Town office, Town Center, Public Works building, Police offices and possibly the pedestrian bridge qualify, and could yield an annual savings of \$2,600. The cost savings would offset rate increase Pepco is seeking. The Council's approval is needed to proceed.

In response to questions, TA Murphy said that the LED lights would be as bright as existing T8 bulbs, but conserve more energy and last longer. The Council agreed to proceed with conversion.

OptoTraffic authorization to use collection agency for delinquent tickets: TA Murphy said that there is approximately \$120,000 in unpaid speed camera tickets. Many of those tickets belong to out-of-state motorists. The only way to collect them is through a collection agency. Town Attorney Shay advises that authorizing OptoTraffic, the Town's speed camera vendor, to use a collection agency does not require an ordinance or resolution. A simple majority vote will suffice. MPT Wilkinson so moved. CM Kulpa-Eddy seconded. The motion passed 5 to 0.

Four Cities agenda: The next Four Cities meeting takes place on April 29 in New Carrollton. The Council agreed to place the following items on the agenda: animal shelter for the Route 1 corridor, and tax differential for fire protection. TA Murphy said that he spoke with the County's Finance Office about this. He was told that in order to qualify for a tax differential rebate, the Town must contribute at least one tenth of what the County contributes, which is not now the case.

Nothing was discussed under **2. Parks & Recreation** and **2. Public Safety**.

4. Public Works

Dump truck purchase: TA Murphy said that Acting Director Lockley has so far obtained one quote of \$51,000 for a new 1 ton dump truck, a 2014 Ford F350. The price includes the following upgrades: Type 8 diesel engine, 4-wheel drive, 3-4 yard steel dump with electronic lift, a plow and a spreader. The stronger, \$7,000 diesel engine is optional but recommended as the truck would be used for snow plowing. MPT Wilkinson said that the price is \$11,000 more than what has been set aside in the reserve and the remainder would have to come from surplus.

In response to Mayor Calvo, TA Murphy said the replacement period is 10 years. Mayor Calvo suggested that it be set for 8 years because the plowing is likely to shorten its life span. MPT Wilkinson moved to fund the purchase of the dump truck with the diesel engine and add-ons, taking \$40,000 from the vehicle replacement reserve and \$11,250 from surplus. CM Dennison seconded. The motion passed 5 to 0. Mr. Lockley, who is in the process of soliciting two more quotes, will make a recommendation on the purchase later.

5. Administration

Geraldine Love room dedication: The Council agreed to hold a dedication ceremony for the new Geraldine Love conference room at 11 am on Berwyn Heights Day. The room was previously the Town library, which Mrs. Love managed.

Dog training class: Mayor Calvo welcomed Joanne Pazmino, resident and certified dog trainer. Ms. Pazmino inquired if she could rent the 2nd floor of the Town Center twice weekly for a puppy training class. She also wondered if the T-ball field at Indian Creek park is available for outdoor training. Each class would last an hour and she would bring all supplies, including tarps to cover the floor. When the class is over she would clean up so that the room is in the condition she found it. In response to Council questions, Ms. Pazmino confirmed that this is a business and that she would charge around \$180 per person for the course. She is flexible as to which days of the week a class could be held.

Councilmembers expressed concern as to whether the floors could be cleaned up sufficiently, including eliminating odors, about possible damage to the furnishings, about young children using the same facility to play, and about people with allergies to dog hair using the facility. As for reserving the T-Ball field, it is a Park & Planning property and permission needs to be obtained from them.

Councilmembers acknowledged that dog training would be a useful service for the many dog owners in Berwyn Heights. It was agreed to allow one 6-week training course on a trial basis after some parameters are established. This would include setting a time, rental fee, amount of deposit, and insurance requirements.

Nothing was discussed under **6. Code Compliance.**

7. Budget

TA Murphy explained the latest changes to the one-page summary of the FY 2015 budget, including the reserves and surplus section. So far, it has been decided to take \$40,000 from the vehicle replacement reserve and \$11,000 from surplus to fund the purchase of a dump truck. An additional \$50,000 in surplus money was made available to purchase new furniture for the Town Center, a new speed monitor for the police and other items yet to be decided.

CM Kulpa-Eddy proposed, and the Council agreed, to raise the appropriation for NW/EP by \$500 for an even \$3,000. Mayor Calvo proposed to appropriate \$1,000 for a community composting program. The Green Team is planning to train interested residents in composting techniques using subsidized composting bins. MPT Wilkinson said he has concerns about attracting rats and other vermin with composting piles. Mayor Calvo said, if composting is done properly, this should not happen. This is what the training is about. The Council agreed to provide the funding.

TA Murphy reported that the public safety reserve fund is projected to have \$196,000 by the end of this fiscal year. In FY 2014, \$16,000 has been spent from the reserve on sidewalks engineering. Mayor said, in FY 2015, there should be \$200,000 available in the surplus for sidewalks construction. This money should be moved into the *Capital Projects* budget. The remainder could be taken from the Greenbelt Station impact fee funds, which have started to come in. He also proposed to take \$9,000 from the public safety reserve to give to the Berwyn Heights Volunteer Fire Department, as previously discussed, to add to the \$1,000 already budgeted in the *Public Safety, Miscellaneous* line item. MPT Wilkinson so moved. CM Almoguera seconded. The motion passed 5 to 0.

The meeting was adjourned at 10:20 p.m.

Signed: *Kerstin Harper, Town Clerk*