



Town of Berwyn Heights

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Minutes Worksession March 17, 2014

The meeting was called to order at 7:02 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 and citizens.

1. Mayor

Announcements: Happy St. Patrick's Day.

Calendar: No changes were made.

Minutes: On a motion by MPT Wilkinson and second by CM Dennison, the March 3 worksession minutes were approved 5 to 0.

Department Reports: CM Kulpa-Eddy reported that there have been no further problems with overfilled dumpsters in the Staples parking lot after the Code Department spoke with the local and regional manager of the new Domino's Pizza restaurant. CM Dennison said that the new game night event was well attended. The annual Talent Show will take place at Berwyn Heights Elementary School (BHES) this Friday. Mayor Calvo will be the master of ceremony.

Mayor Calvo reported that Public Works had been instructed to use road salt sparingly in the most recent snow storm and focus on the streets with steep hills. Public Works was unable to procure additional salt at the SHA salt dome despite a contractual agreement. His meeting with County Executive Baker has been rescheduled. Speed camera legislation, which bases the compensation of speed camera vendors on a negotiated flat fee instead of a proportion of ticket revenues, is moving forward in the General Assembly. The Maryland Municipal League (MML) as well as Delegate Healey are supporting the legislation. This is a setback for municipalities as it forces them to take on the risk of fluctuating ticket revenue. CM Almoguera added that the legislation also reduces the zone in which speed cameras can be posted around schools from 1/2 to a 1/4 mile. This could reduce the number of children walking to school and is contrary to the spirit of such programs as Safe Routes to School encouraging students to walk. CM Almoguera encouraged residents to reach out to their representatives to ask them to oppose the law.

Citizen comments: Mayor Calvo said that he received a suggestion that the Town post signs directing people, who want to solicit, to register with the Town. This has been raised previously and he would like the Town to follow through with the idea.

Mike Attick, 62nd Avenue, asked how MML decides to support or oppose legislation, such as the speed camera law. He was told that the MML's legislative committee makes those decisions. In response to his question as to how much money is in the public safety reserve he was told that it is not yet known. A better estimate is needed and will be included in the introduced budget available for the April 9 Town meeting.

Storm water management permit update: TA Murphy said he has learned from Town Attorney Shay that the statute governing stormwater management requirements has no provisions for granting waivers but does include a provision for variances. He tried to contact the Department of Permits, Inspections & Enforcement (DPIE), which handles stormwater management issues for the County, for confirmation but could not reach them because they were closed due to snow.

Mayor Calvo said the Attorney advises that variances are to be obtained from the State's Department of the Environment (MDE), and the statute cited focuses on developers, not municipal governments. The Town needs to make a plan about how move forward if it cannot get a variance or waiver. TA Murphy said that the project engineer has provided an estimate of \$1,000 for mitigating additional stormwater runoff at the Public Works yard by installing new down spouts and capturing the runoff from an adjacent roof. With the additional mitigation the project would meet the stormwater requirements.

Mayor Calvo said the Town should do that. In the context of a \$400,000 project, an additional \$1,000 is not significant. The sidewalks project has been held up long enough over this issue. There was no opposition.

Candidates' Night moderator: Mayor Calvo said this job is best done by an elder statesman of the Town, such as Brad Jewitt or Darald Lofgren. Clerk Harper was asked to check with the former Councilmembers to see if they are available to do this.

WMATA control station: Matthew Jahns representing Jacob's Engineering was present to brief the Council on the planned upgrades for WMATA's control station that will be used to monitor the test track for new Metro trains. He said the project plans call for the laying of new water and sewer lines on Ballew Avenue. This requires the digging of a trench on Town streets that will be 3 to 4 feet wide and 6 to 8 feet deep. The trench will be covered up after hours so that both lanes of traffic can be used. WSSC has already approved the plans. He is happy to answer any questions the Council may have.

In response to questions, Mr. Jahns said the test track will extend from Greenbelt Station 1 ½ miles to the south, stopping just short of the College Park station. The water and sewer pipes will be laid by WMATA contractor Skanska. WSSC and Jacobs Engineering will inspect the work to ensure that it conforms to SHA standards. The contractor will also resurface the road to the median rather than only the trench, and make sure the seam between old and new asphalt surfaces is properly sealed. The work will be done in sections of about 40 feet, then back-filled until the final resurfacing. Bonds have been posted to cover unexpected expenses. Traffic plans were modified to accommodate truck traffic. Flagmen will be posted at each end to direct traffic. The project is expected to begin in late April and last 6 to 8 weeks.

TA Murphy was asked to notify the trucking company on 55th Avenue of the construction to make sure they do not cut through the Town.

At 8:00 p.m., the Council took a 5-minute break.

Nothing was discussed under **2. Code Compliance** and **3. Parks & Recreation**.

4. Public Safety

Police car letter of intent: TA Murphy explained that the purchase of a new police car is scheduled to occur on July 1 once the budget for it has been approved. However, most manufacturers stop production police cars on April 1. Car dealers will only reserve a police car until July if they have a letter of intent. TA Murphy plans to provide both a letter of intent and a purchase order detailing all add-ons. The police vehicle Chief Antolik spec'ed is a larger and slightly more expensive Ford SUV because the officer for whom it is intended is cramped in a Dodge Charger.

Mayor Calvo said that he is concerned the Town is modifying its police car fleet to suit the particular needs of one officer. The SUV would have a higher fuel consumption because it gets less miles per gallon and, when used for commuting, would go the maximum allowed distance. As a policy matter, he would like to treat all officers equally, and officers who need special accommodations to pay for the difference. Further, he would prefer to have a uniform fleet with predictable costs. While the need to reserve a police car forces the Council to choose a vehicle now, another option is to postpone the purchase until early next year.

MPT Wilkinson said he, too, is concerned about buying the SUV because of the lower mileage and because it would make it harder to realize cost savings to be had from servicing a uniform fleet. For that reason, he would prefer to reserve a Dodge Charger now.

Mike Attick commented that officers have to carry more things around with them than they used to and need more trunk space than the Dodge provides. In addition, the officer, for whom this car would be bought, is a Drug Awareness and Resistance Education (DARE) officer and carries educational materials with him. TA Murphy said the problem for the larger officers is that the seat in the Dodge charger can't be pushed back far enough for them to sit comfortably.

CM Almoguera said, although she would like to keep the fleet uniform, she sees no point in buying a car that is too small for this officer. If there is no dealer penalty for not purchasing a car that was reserved, she is leaning toward the SUV option. CM Kulpa-Eddy and CM Dennison also preferred this option. CM Kulpa-Eddy moved, and CM Dennison seconded, to approve the purchase order for the Ford SUV, with the understanding that the Council will discuss postponing the purchase at a future worksession. The motion passed 4 to 1, with MPT Wilkinson opposed.

Surplus police car: TA Murphy explained that he is requesting approval to surplus two police cars that have reached the age and mileage to be taken out of service, and either sold to a salvage yard or donated to the Berwyn Heights Volunteer Fire Department (BHVFD) for training. One has a blown motor. Mayor Calvo said he has no objections to donating the car with the blown motor. He would like to know, however, what an old vehicle is worth to the BHVFD; i.e. at what point do they prefer to get the proceeds from the sale of the vehicle as opposed to getting the vehicle for extraction training. He

asked for a motion to donate the broken car, and either sell or donate the better car based on the quotes TA Murphy gets. MPT Wilkinson so moved. CM Dennison seconded. The motion passed 5 to 0.

Nothing was discussed under **5. Public Works.**

6. Administration

63rd Avenue temporary grading permit: TA Murphy explained that the Council previously decided it preferred grading the Berwyn Heights Presbyterian Church property instead of building a retaining wall for the purpose of constructing a sidewalk. The Church agreed to this in exchange for a new handicap ramp to the Church entrance. The Council is requested to approve the temporary easement agreement between the Church and the Town, including these terms.

MPT Wilkinson said the agreement stipulates that the Church receive the nominal compensation of \$1.00 for granting the easement. However, he believes the easement has to be granted for free and in perpetuity to conform with the grant guidelines. He asked that TA Murphy check with the grant office and the Town Attorney to make sure the easement agreement complies with the grant conditions. MPT Wilkinson moved to authorize Mayor Calvo to execute the agreement when it is ready for signature. CM Dennison seconded. The motion passed 5 to 0.

Variance request - 5604 Seminole Street: TA Murphy said he has not asked the property owner to attend and state his case because this is fairly straight forward request. He explained that the owner wants to construct a new 6' x 19' front porch and new steps. This requires a variance from the 25' front yard setback requirement of Prince George's County zoning law. He also needs a variance for exceeding the 30% lot coverage limit by 4%.

CM Dennison moved to approve the variance request. CM Almoguera seconded. MPT Wilkinson said he would like to make sure that the Council is consistent in granting its variances. Previously, owners requesting lot coverage variances were asked to mitigate storm water runoff and build permeable driveways. Mayor Calvo suggested the owner be asked to direct the stormwater runoff from the roof into a dry well instead of the storm drains for mitigation. MPT Wilkinson moved to amend the motion to include this provision. CM Almoguera seconded. The motion to amend the motion passed 5 to 0. The principle motion was approved 5 to 0.

Bulletin cover: The following items were approved for the April Bulletin cover: Theme - Town Council Election; Headlines - Election, Budget Hearing, Town Administrator Ordinance Hearing.

G Love room plaque: CM Almoguera said that the Historical Committee drafted the text for a plaque to commemorate Geraldine Love, the former Town librarian. The plaque is proposed to be mounted in the new conference room, formerly the Town library, when it is dedicated. On a motion by CM Dennison and second by CM Kulpa-Eddy the wording for the plaque was approved 5 to 0 with a minor correction.

Town Administrator ordinance: Mayor Calvo distributed a document outlining some key provisions for new legislation redefining the role of the Town Administrator (TA) and his relationship with councilmembers and department directors. The Berwyn Heights Charter - Section 706.1 defines the relationship between the Town Council and TA in very general terms, noting that the TA is appointed by, and serves at the pleasure of the Town Council in the capacity of chief financial and chief

administrative officer, as well as clerk of the council. The Charter further states that additional responsibilities may be specified by ordinance.

Mayor Calvo said, while no ordinance exists that specifies the TA's role beyond the Charter, whatever the Council concludes his role should be ought to be set down in an ordinance. His framework for a future ordinance incorporates the existing Charter provisions relating to the TA, but goes on to assign the TA new responsibility for operational unity and efficiency of the Town government, with department directors reporting to the TA for operational purposes.

The document lists several key responsibilities of the TA including:

- Overseeing the obligation and payment of Town funds, in accordance with the Town budget, which should include the monitoring of departmental expenditures under \$3,000;
- Managing human resources, in conformance with Town Council directives, including hiring, promotion, evaluation, compensation, reprimand and termination of employees. As a new responsibility, it is proposed the TA, in consultation with the councilmember/department head, write the performance evaluations for department directors for approval by the Council. This would bring more uniformity to the evaluations and improve fairness of the process. MPT Wilkinson suggested responsibilities also include professional development, disciplinary action and compliance with federal and state regulations, such as ADA and OSHA standards.
- Deploying and managing information technology.
- Coordinating internal communications, such as alerts, special events, and salaries and benefits.
- Risk management.
- Intergovernmental coordination.
- Preparation of Town Council meetings.

Mayor Calvo said his document also attempts to clarify policy making responsibilities. It reserves for the Town Council the authority to set policy, including overriding any policies and procedures set at the departmental level or by the TA. Absent a decision of the Town Council, a councilmember/department head can set policy for his department, as well as oversee the execution of policy. Policy is defined as a course or principle of action established by the Town Council, department head, or department director that governs a specific aspect of operations.

CM Kulpa-Eddy commented that it would help to have some specific examples of how a policy is operationalized and translated into a specific action. Alternatively, it may be easier to define what is not a policy, i.e. define what is the operational work of the departments. Mayor Calvo replied the policy definition may need to be refined to indicate that it means a general principle or rule as opposed to a practice or a specific instance of implementing the policy. The 'how to' of carrying out a policy should be left to the departments and their employees. The TA should work with the directors and supervisors to ensure that department operations adhere to the general policies, with protocols developed as needed.

Mike Attick commented that TA Murphy or Chief Antolik should talk with the City of Greenbelt about their police vehicles, many of whose officers drive SUVs. He also asked whether the Town has received any funds as construction at the Greenbelt Station development is beginning. Mayor Calvo said the Town has received the first installment of \$42,000, and will continue to receive money as more units are being built.

7. Executive Session (10:06 p.m. - 10:16 p.m.)

On a motion be MPT Wilkinson and second by CM Dennison, the Council went into executive session to select a citizen of the year. With the decision made, MPT Wilkinson moved, and CM Dennison seconded to end the executive session.

The meeting was adjourned at 10:17 p.m.

Signed: *Kerstin Harper, Town Clerk*