



# Town of Berwyn Heights

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## Minutes Worksession November 6, 2017

The meeting was called to order at 7:10 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro-Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, and Christopher Rasmussen. CM Gerald Shields had an excused absence. Also present were Town Administrator (TA) Jessica Cowles and Clerk Kerstin Harper.

### 1. Action Items

**Four Cities letters:** MPT Kulpa-Eddy presented 3 Four Cities letters on which support from Berwyn Heights is requested. The first letter was drafted by the City of College Park and requests support for improvements at the intersection of Route 1 and the Capital Beltway, which is heavily congested during rush hours and dangerous for pedestrians crossing Route 1. The area was identified through a 2014 SHA Candidate Safety Improvement Sections Report to address the high number of rear-end and sideswipe crashes on the collector-distributor lane merge areas of I-495, as well as rear-end collisions at Route 1 and Edgewood Road. However, the City was informed in a September 19, 2017, letter that the project had been canceled. The letter asks the Maryland Department of Transportation (MDOT) to resume a modified project.

In discussion, Mayor Jewitt asked why the project was canceled and if moving the project up on MDOT's funding priorities list would affect any SHA improvement projects directly affecting Berwyn Heights. MPT Kulpa-Eddy did not know this information. She moved and CM Rasmussen seconded to table the decision to sign the letter of support until the November 20 worksession, while TA Cowles will seek to find out why the project was canceled, and if any SHA projects closer to Berwyn Heights would be negatively affected. The motion passed 5 to 0.

MPT Kulpa-Eddy explained that the City of Greenbelt is seeking support from the Four Cities for a letter, yet to be drafted, opposing the proposed MAGLEV project. Greenbelt has already written a letter opposing the project, speaking only for itself. Two of the MAGLEV routes (J and J-1 alignment) would follow the BW Parkway and pass very near Greenbelt. Although the plans call for the tracks to be underground in this area, Greenbelt fears negative impacts from vibration, noise and accessory structures. There are alignments that would follow the current AMTRAK route through New Carrollton.

In discussion, Mayor Jewitt and CM Rasmussen agreed that they are sympathetic to Greenbelt's opposition to the J and J-1 alignments, but support the concept of the MAGLEV project. MPT Kulpa-Eddy informed that the 10-billion-dollar project is a federal-private partnership, and that the train would ultimately extend to New York and shorten travel time to 1 hour. The State of Maryland has expressed

concerns, and the Prince George's County Council as well as the City of Greenbelt are opposed. The Council agreed to wait to be provided a draft letter before making a decision.

MPT Kulpa-Eddy explained that the third letter would also be drafted by the City of Greenbelt and requests the Four Cities to oppose the widening of I-270, I-495 and the BW Parkway recently proposed by Governor Hogan's administration. Greenbelt argues that these projects would not relieve congestion but encourage more driving and increase suburban sprawl. Greenbelt believes the money should instead be used to improve public transportation. MPT Kulpa-Eddy said that widening the BW Parkway had been proposed in 2012, and eventually abandoned. Berwyn Heights may have written a letter in 2012 opposing the project at that time.

The Council asked TA Cowles to find out if a study has been done justifying these projects. CM Rasmussen said that he would support Greenbelt on the BW Parkway widening but not necessarily oppose all widening. MPT Kulpa-Eddy said she is inclined to join opposition to the widening of the Beltway since the Purple Line would serve commuters in this area. No decision was made.

## **2. Discussion Items**

***Emergency Operations Plan review:*** TA Cowles said that she incorporated the Council's comments from the last worksession into the Emergency Operations Plan (EOP) now before the Council. Two remaining issues include: 1) an order of succession in the event the Mayor and Mayor Pro Tem are not available to declare an emergency, which should be addressed through changes in the Town Charter; and 2) clarification of the role of the Neighborhood Watch/ Emergency Preparedness (NW/EP) Committee and the Berwyn Heights CERT.

MPT Kulpa-Eddy offered a series of additional corrections and clarifications. They were discussed by the Council and approved with minor modifications. The EOP will be up for adoption at the November 8 Town Meeting. TA Cowles will find out if the adopted EOP needs to be registered with County and State agencies.

***Town organizations policy update:*** Mayor Jewitt said she requested an update on the Town organizations policy, which the Council has been working on since spring. CM Shields, who is the lead on the policy but is absent tonight, provided a report. TA Cowles said she revised the policy after the Council last discussed it to make it flow better, but the content reflects CM Shields' thinking; he used the City of Greenbelt's organizations policy as a template.

The proposed policy differentiates between 3 classes of Town organizations. "Recognized Organizations" are listed first, followed by "Groups" and "Clubs." A list of 14 eligibility requirements for Recognized Organizations was moved up to follow the definition of a Recognized Organization. Groups are defined as having a formal structure, but no formal recognition from the Town government via an ordinance or a resolution. Some requirements for Groups include holding regular meetings open to the public, having appropriate policies in place, and having at least 7 members. The Council agreed to remove the numerical requirement for 7 members.

Mayor Jewitt highlighted, and the Council discussed, several provisions relating to Recognized Organizations that will require more thought:

- Prohibiting Councilmembers and certain Town staff from holding leadership positions in a Recognized Organization;
- Requiring Recognized Organizations to have insurance;
- Prohibiting free use of Town facilities for religious, partisan or income-generating activities; and

- Requiring background checks for staff, contractors or volunteers entrusted with the care of children.

Additionally, Recognized Organizations might be required to comply with all federal and state non-discrimination laws. Clarification is needed whether religious or partisan organizations can become Recognized Organizations. TA Cowles was requested to have the Town attorney review the document now. Completion is planned for the FY 2019 budget process.

Mayor Jewitt announced that, following the passing of Town Attorney Shay this summer, the practice of Brennan, McKenna, Mitchell & Shay is also losing Acting Town Attorney Karen Ruff. TA Cowles is searching for a new legal counsel.

***PRECA aide update:*** TA Cowles informed that the Town received several applications for the position of Parks and Recreation aide. Interviews are scheduled for November 9.

***Recycling bin survey results:*** TA Cowles announced that residents submitted 85 responses to the survey on recycling and recycling bins that was included in the October Bulletin. The question “What would encourage you to recycle more? had the following responses: 37% more education; 27% bins with wheels; 15% bigger bin; 9% frequent collection; 6% enforcement; 6% other. The question “are you willing to pay an additional \$50 in taxes for recycling bins with wheels and attached lid?” received the following responses: 42% no; 36% yes; 22% maybe. It was agreed to discuss the results at the next worksession.

***Public Works director search:*** TA Cowles reported that the Town received many applications for the Public Works director from well-qualified candidates. She plans to hold a first round of interviews with the qualified applicants this week and bring back the finalists for a second round of interviews with the Council. It is expected that a new director will be hired by the end of December.

***Legislative dinner agenda (added item):*** The Council following identified the following items for the legislative dinner agenda: WSSC rate structure; Small cell facilities regulation; role of Public Service Commission; HUR predictable funding streams; storm water system upgrades.

### **3. Announcements/ Department Reports/ Citizen Comments**

Mayor Jewitt announced that Halloween Trick or Treat went well, thanks to BHPD and NW/EP Committee patrolling. She received a citizen comment about publicizing the street sweeper schedule on cable TV and the website. Mayor Jewitt further reported that she was dismayed at the manner in which a resolution on the Deferred Action for Childhood Arrivals (DACA) policy was passed at the last Prince George’s County Municipal Association (PGCMA) meeting. Those present were not given the opportunity to bring the decision back to their Councils to discuss this important decision despite strong objection. Of 17 municipalities represented, 9 voted for the resolution and 8 abstained. MPT Kulpa-Eddy suggested that members may want to review PGCMA bylaws to check whether the board is following the rules, and possibly consider leaving the organization, if the board remains unresponsive.

MPT Kulpa-Eddy reported that she attended a WSSC hearing, where a new set of rate structure proposals was presented. At the last Four Cities meeting, representatives from a Prince George’s Plaza day center for homeless people gave a presentation, and County Councilmember Glaros gave a preview of the comprehensive review draft resulting from the PGC zoning ordinance rewrite. A bee-keeping exception, accidentally deleted from the review draft, will be reinserted. Stakeholders’ comments should be submitted by December 15. MPT Kulpa-Eddy further reported that she received Pepco door hanger offering tree trimming service following a brief power outage caused by a recent storm. When she called

the Pepco contractor, she was informed that only she received the notice, as her home was the only one affected by the power outage.

CM Rasmussen reported that he attended his first NW/EP meeting, which he found informative. The Committee will hold elections on December 6, but these were not advertised in the November Bulletin. Nor was it clear to him if there are rules that govern the election, setting forth who may stand for election and who may vote. The issue of whether the NW/EP and CERT team should have a clearer separation due to their different organizational structures was discussed. Also discussed was the cost of CPR/ First Aid training, installation of an AED device in the Senior Center, and an upcoming inventory of NW/EP supplies stored in the emergency trailer.

CM Rasmussen also met with Amanda Dewey, who chairs the Shade Tree Board. The group is reviewing Ordinance 122- Urban Forest, and is contemplating proposing amendments to require a permit for removing trees above a certain size on private property. He advised that it may be better to hold off until next year because the Council's legislative calendar is already full. CM Rasmussen also raised the issue of the Humvee, which is still in the Police Department parking lot, and the status of the Baseball and T-ball fields which have gone to seed. Lastly, he gave an update on the renovation of his rental property, where he had a "stop work" order issued because the contractor failed to obtain Town permits. He read a letter of apology he had the construction company write to Mayor Jewitt.

Mayor Jewitt read CM Shields' report. CM Shields continues to work on the Town organizations policy and is planning to interview candidates for the Parks & Recreation aide position with TA Cowles this week. He thanked NW/EP for helping out with Halloween events and remains in touch with the PGC Parks Department about keeping the Lake Artemesia park clean.

## **6. Town Council Schedule**

The Council reviewed the calendar. No changes were made.

The meeting was adjourned at 9:37 p.m.

Signed: *Kerstin Harper*, Town Clerk