



Town of Berwyn Heights

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

Minutes Worksession April 2, 2018

Executive Session (6:45 p.m. - 7:00 p.m.)

Citizen of the Year selection

Regular Session

The meeting was called to order at 7:00 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

Budget worksession follow-up: TA Cowles provided answers to several questions the Council had asked at the March 23 budget worksession regarding paving the T-ball field parking area; the current mileage of the Code vehicle; animal training for Code staff; and the status of the speed camera funds and contract.

TA Cowles also provided a list of proposed revisions to the FY 2019 budget for introduction at the April Town meeting.

Operating Budget - Town Organizations

- Green Team -\$2,500 for a total budget of \$2,750. TA Cowles said the un-used \$2,500 is available for funding other budget requests.
- Karate Club request +\$200 to fund national dues for the Executive Club for total budget of \$400.
- NW/EP request +\$400 for a total of \$4,000. The original \$3,600 request includes an increase of \$600 over the FY 2018 budget.
- Boys and Girls Club request +\$2,000 (\$650 for supplemental insurance coverage for the soccer program; \$1,000 for signage; and \$350 for fundraising supplies) for a total of \$4,500 (Remaining \$2,500 is for Sports Park lighting expenses).

Capital Budget

- Police Department +\$1,000 from unrestricted fund balance for 10 decibel readers to equip all patrol cars.
- Urban forest +\$22,000 from unrestricted fund balance for a total of \$47,000 to complete tree maintenance identified in a FY 2016 tree inventory, and tree maintenance tracking software. One bid has been received and two more are expected within a couple of weeks. The cost overrun reflects a backlog of trees requiring removal or pruning.

Boys & Girls Club budget presentation: Boys & Girls Club Vice President Angela Wolfinger and Soccer Commissioner Jason Papanikolas presented the Club's budget. Ms. Wolfinger broke down the \$2,000 requested for FY 2019:

- \$650 for supplemental insurance from the Maryland State Youth Soccer Association for soccer teams below age 7 and above age 12, not covered by the Prince George's County Boys & Girls Club insurance.
- \$1000 for signage, including banners announcing events, sign boards, decals.
- \$350 for fundraising tools, including raffle tickets, flyers, car wash supplies.
- \$2,500 in Pepco bills for Sports Park lighting are appropriated in the Sports Park line item of the Town's operating budget, but appears to be drawn from the Boys & Girls Club bank account. TA Cowles will review the Sports Park appropriation to determine if the Pepco bill has been paid by the Town.

The Council voted on the proposed changes.

- On a motion by CM Dennison and second by CM Rasmussen, the Council voted 4 to 0 to approve an additional \$300 for NW/EP to pay for supplies, maintenance and shelving.
- On motion by CM Dennison and second by CM Rasmussen, the Council voted 4 to 0 to approve an additional \$200 for the Karate Club.
- On a motion by CM Dennison and second by CM Rasmussen, the Council voted 4 to 0 to approve an additional \$2,000 for the Boys & Girls Club.

The additional funds are paid for by the \$2,500 reduction in the Green Team's budget request.

- On a motion by CM Dennison and second by CM Rasmussen, the Council approve an additional \$22,000 for tree maintenance. The motion passed 4 to 0.
- On a motion by CM Rasmussen and second by CM Dennison, the Council voted 4 to 0 to reduce the Public Works tree care appropriation by \$3,000.
- On a motion by CM Dennison and second by MPT Kulpa-Eddy, the Council voted 4 to 0 to appropriate an additional \$1,000 for the purchase of 10 decibel readers.

Executive recruiter for Town Administrator: Mayor Jewitt said the Council has several proposals from executive recruiting firms to search for a new Town Administrator. TA Cowles has resigned her position, effective May 11, to accept another job. TA Cowles described the recruiting firms, all of which are focused on the public sector, but offer somewhat different services at different prices:

- \$21,000 - GovHR (national scope, recent client Sykesville, MD)
- \$15,500 - Mercer Group (led by former Bowie City Manager; recent client Westminster, MD)
- \$23,000 - Novak Group (performed previous Town Administrator search)
- \$24,500 - Springsted Waters (national scope, recent clients Greenbelt, Takoma Park, Rockville)

TA Cowles noted the firms have not been asked to help with the search for an interim Town Administrator. She can recommend candidates from her contacts.

TA Cowles also provided the Council with an updated job description, which uses *Town Manager* as the position title to more accurately reflect his or her duty of day-to-day supervision of Town departments. The Town Attorney advised the position can be advertised as *Town Manager*, regardless of the language used in the Town Charter. MPT Kulpa-Eddy objected. While she agrees the current responsibilities of the position are broader than those of a Town Administrator, the position title should be consistent with language in the Charter and *Ordinance 121 - Powers & Duties*, which references the Town Administrator. She suggested the Council amend the Charter prior to advertising the position.

Mayor Jewitt thought the position should be advertised as a *Town Manager* because that is what the position in fact entails. She does not want to lose potential candidates who are primarily interested in a Town Manager position. The Council agreed to introduce amendments to the Charter and Ordinance 121 to change the title to *Town Manager*, but it would be left to the newly elected Council to adopt the amendments.

TA Cowles clarified some terms of the recruitment firms' proposals. The Mercer Group, which is based in Maryland and has the lowest bid, was recommended by the Town Attorney. A budget amendment may be required to pay for the recruitment. MPT Kulpa-Eddy moved and CM Dennison seconded to offer the contract to the Mercer Group. The motion passed 4 to 0.

2. Discussion Items

Animal Ordinance: MPT Kulpa-Eddy said she made several changes to *Ordinance 101- Animals* to address comments received at the March 14 Town meeting, including:

Section 4 - Definitions

Subsection L - Keeping or Harboring: No change was made. It was clarified the section refers only to the keeping of domesticated animals. It does not forbid feeding wild animals, including feral cats.

Subsection J - Domesticated Animal: the word "man" was replaced by "humans."

Subsection P - Public Nuisance Animal: The phrases "unreasonably annoys humans" and "or gives offense to human senses" were deleted because they were deemed to be subjective standards.

Subsection Q - Public Nuisance condition: A provision on "animal hoarding" was added as an example of a public nuisance condition.

Section 6 - Standards

Subsection D - Space: Continues to allow tethering with conditions. If the County moves forward with prohibiting tethering, the more stringent standard shall apply. A requirement for the socialization of domesticated animals was not added because there are no agreed-upon standards, and it would be difficult to enforce. However, abnormal behavior in a domesticated animal is cited as possible evidence for inadequate treatment and the basis for taking action.

Subsection G - Outdoor Shelter: Requirements from the federal Animal Welfare Act were added for keeping animals out of doors when temperatures are very cold. The phrase "additional clean, dry bedding is required..." will be struck as unnecessary.

Section 7 - Enforcement

Subsection B: Wording was revised to clarify the Town code officers may resolve animal complaints themselves or turn them over to the County

Subsection C: Wording was changed to clarify that County animal control officers have the authority to destroy vicious or dangerous animals. The phrase "or be disposed of" was added to *Definitions H - Disposition*.

Animal Complaint Form

MPT Kulpa-Eddy provided a new Animal Complaint Form that replaces an outdated "How to File a Dog Complaint" form currently in use. It outlines 3 options for filing complaints.

1. In case of an immediate threat to health & safety of a person, 9-1-1 should be called.
2. In case of a concern about humane treatment of an animal or nuisance animals, the Town's Code Department can be called, which generally conducts investigations within 48 hours. Code Supervisor Glass should be asked to confirm the proposed timeframe.
3. Alternatively, concerns about the humane treatment of animals or nuisance animals can be reported to the County's Animal Control Field Services, which generally responds immediately to complaints

about vicious animals and within 48 hours to other complaints according to priority, and in accordance with its own regulations.

CM Rasmussen proposed a couple of corrections, which MPT Kulpa-Eddy will include in the complaint form. She will also modify the Ordinance based on tonight's discussion and have both documents ready for the April Town meeting.

Funding Phase II road repairs: TA Cowles provided additional information about the bond issuance process. The Town Attorney advises the Town Charter does not require bond financing to be a ballot initiative. If the Council wanted to place the bond issue on the ballot for voter referendum, the State Local Government Article would apply. The issuance of a bond requires passing an ordinance and the Charter requires a resolution. The Maryland Department of Housing & Community Development (DHCD) bond program offers only fixed interest bonds. SunTrust Bank has a municipal tax-exempt bond program with variable and fixed rates of payment, if the Council is interested in other options.

Phase II of the road repairs is estimated to cost \$1,040,000 based on the rates for the County's road contractor. The 10-year bond the Council is contemplating would carry a 3.17% interest rate, and commit the Town to annual debt service payments of \$125,000. Total interest over the term of the bond would amount to \$180,865.

The Council discussed how the bond would be repaid. With current levels of real property tax receipts, the 3 cents road tax would not cover the full annual debt service. Highway User Revenues (HUR) would provide an additional funding stream, which might be set aside to fund Phase III of road repairs. Whether or not an HUR restoration bill will go into effect will not be known until the State legislative session ends and the Governor signs the bill.

The Council agreed to try to complete the bond issuance during this Council term with introduction at the April Town meeting, and a public hearing and adoption at the May Town meeting. CM Dennison moved and MPT Kulpa-Eddy seconded to have TA Cowles draft authorizing legislation for the \$1,040,000 bond on terms noted above. The motion passed 4 to 0.

Four Cities agenda items: It was agreed to request an update on the Urban Land Institute Technical Assistance Panel (ULI TAP) for the April 25 meeting in New Carrollton.

3. Minutes

The March 14 Town meeting minutes were distributed for adoption at the April Town meeting.

4. Announcements/ Department Reports/ Citizen Comments

Mayor Jewitt reported she and the Council received an email from the Berwyn Presbyterian Church thanking Public Works for clearing the Church's parking lot after the recent snow storm. She also read a letter from a young resident, who proposed ways to reduce trash in the Town.

MPT Kulpa-Eddy reported that WSSC is holding an open house on May 8 at the Laurel headquarters. She hopes someone from the Town can attend to learn about upcoming projects in this area. She announced a free mulch event at the County's composting facility on April 21, and an April 11 Town Hall with County Council Chair Dannielle Glaros. She also received a comment on the Town organization policy.

CM Rasmussen reported there is an ongoing disagreement with a resident about how the Town resolves code issues.

5. Town Council Schedule

The Council reviewed the schedule of upcoming events and activities. The Council briefly discussed potential moderators for the April 23 Candidates' Night.

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

Signed: *Kerstin Harper*, Town Clerk