



Town of Berwyn Heights

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

MAYOR
Stephen D. Isler

COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Jeffrey Jay Osmond
Ethan D. Sweep

Town Meeting Minutes December 11, 2019 | 7:00 pm

The meeting was called to order at 7:00 p.m. Present were Mayor Stephen Isler, Mayor Pro Tempore (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey and Jeffrey Jay Osmond, and Ethan Sweep. Also present were Town Manager (TM) Maria Broadbent, Clerk Kerstin Harper and citizens.

1. Approval of Agenda

MPT Papanikolas moved and CM Dewey seconded to approve the agenda. The motion passed 5 to 0.

2. Approval of Minutes

CM Dewey moved, and MPT Papanikolas seconded to approve the November 13, 2019 Town meeting minutes. The motion passed 5 to 0.

3. Mayor's Report

Mayor Isler thanked the Recreation Council for organizing a wonderful Christmas Tree Lighting party, the Volunteer Fire Department for donating the tree and Santa and his elf for greeting children. Everyone who attended had a great time. He also cautioned people to be on the lookout for deliveries of packages as there has been increase in thefts.

4. Department Reports

Mayor Isler entertained a motion to receive all department reports for the record. CM Dewey so moved. MPT Papanikolas seconded. The motion passed 5 to 0.

Administration: MPT Papanikolas reported that the Town's auditor attended the last worksession and gave the Town a clean bill of health. Further, the Administration Department is getting ready for the budget process come January.

Town Manager's Report: TM Broadbent said, as the holidays approach, there will be early closings on December 13 and 23. She continues to refine the budget calendar and will meet with staff tomorrow to discuss budget matters. Town staff aim to have tentative budget numbers by January which will be supplemented by information from the State of Maryland and Prince George's County as numbers become available. Bids for new carpeting in the Town offices and the Senior Center came in slightly over budget at \$8,900, which will require some additional funds because budget figures were based only on the Town offices. In addition, the light fixtures in the offices will be cleaned and a second coat of trim applied.

A new 1-ton Ford pickup truck that was purchased in August has been delivered. At this point, most of the vehicles that were funded in the FY 2020 budget have been purchased. Having a better sense of the remaining funds, she intends to purchase the second hybrid police vehicle in the hopes of having it delivered in this fiscal year. Public Works hired an employee with commercial driver's license, who will start next week, and is finalizing the hiring of another, who would become the third CDL licensed driver. The Public Works Director position has been advertised and applications should start coming in.

Code Compliance: CM Osmond asked if the 2nd code officer position has been filled yet and was informed that several applicants were interviewed last week. CM Osmond noted that, for the month of November, there were fewer active rental units than last year; however, receipts from permits issued increased substantially. TM Broadbent clarified that the increase is largely due to collection of right-of-way permits and a better collection process.

Parks, Recreation, Education & Civic Affairs: CM Dewey reported that responses to the Town survey have started to come in and she will share the results at coming worksessions. In the previous month she also attended meetings of the Walkable, Bikeable Berwyn Heights Task Force (WBBH), which is working on a report to be presented to the Council in January, as well as meetings of the Education Advisory Committee. Public Service Announcement videos on the 2020 Census have been added to BHTV programming and have been posted to the website. Lastly, she is reviewing the budget and considering goals for next year.

Public Works: CM Sweep reported that the Public Works Department is getting ready for the winter. Residents are reminded to watch out for Town trucks plowing and salting streets if snow begins to fall. TM Broadbent noted that the Town follows the Prince George's County government for weather related closings, which may differ from school district closings. CM Sweep also advised residents to secure their homes if they travel over the holidays and wished everyone happy holidays.

Phil Ventura, 57th Avenue, said Public Works employees will continue to work if a snowstorm hits, even if Town offices are closed. Further, he heard rumors the Public Works Director resigned because of disagreements with management. He asked if any Councilmembers spoke with him before he retired or tried to talk him out of his decision.

CM Sweep said he spoke with him before he retired. He did not try to talk him out of it because Director Hall had come out of retirement to help the Town of Berwyn Heights stabilize its Public Works Department and help take the next steps forward. He had great appreciation for Director Hall's accomplishments and his commitment to public service, but he believes he was ready to retire.

Police Department: Mayor Isler reminded residents that BHPD has a program to check on homes while owners are on vacation, as well as a safe zone to conduct internet purchases in front of the police station that is surveilled by video cameras. BHPD officers will be on duty throughout the holidays and residents are encouraged to greet them as a sign of appreciation. The same goes for the fire department volunteers. Residents might consider supporting the BHVFD Christmas tree fundraiser while supplies last.

5. Committee Reports

Education Advisory Committee: CM Dewey said the BHEAC met last month and continues to seek input from residents on educational matters. The Committee plans to hold more listening sessions, the next one on adult education and then one on elementary school education. Interested residents are encouraged to contact the BHEAC with questions or feedback.

Green Team: CM Dewey announced the Green Team will not meet in December. In February, the Green Team is partnering with the University of Maryland to hold a workshop on practical solutions for climate change.

Historical Committee: Clerk Harper reported that several Historical Committee members attended the Maryland Milestones holiday party at the Heritage Center in Hyattsville. The next meeting will be held in January, at which its FY 2021 budget request will be discussed.

Neighborhood Watch/Emergency Preparedness: CM Dewey announced an upcoming bio-hazard workshop hosted by the Berwyn Heights and Anne Arundel CERT teams. She also cautioned residents about leaving Christmas tree lights on, which has been the cause of house fires.

Recreation Council: CM Dewey thanked the Recreation Council and the Seniors for hosting the annual Tree Lighting party. It was very well attended and enjoyed by all guests large and small. Next up are a re-gifting party on January 11, and Valentine's party and a Team Trivia event in February.

6. Unfinished Business

There was none.

7. New Business

Variance 98-2019 6201 Ruatan Street: Mayor Isler said this variance was discussed at a previous worksession with the owner of the property present. TM Broadbent explained the variance application was triggered by a County inspector, who noticed that a stoop and stairs to the side entrance at the property in question did not conform with the zoning regulations on side yard setbacks. The stairs were built by a previous owner of the property without a permit. The current owner has applied for a permit and the needed variance to validate the existing condition. The stairs as built have not met with any objection from neighbors and leave enough room to pass from the front yard to the back yard. Staff recommends approval of the variance.

CM Osmond moved to support the variance request. CM Sweep seconded. The motion passed 5 to 0.

Resolution 22-2019 Verizon franchise renewal negotiations: TM Broadbent said the Verizon franchise is up for renewal and Verizon has requested the Town to initiate contract renewal negotiations. The Resolution would approve the Town joining with the Prince George's County I-Net Committee to conduct the negotiations. Since this involves legal issues, the Council needs to approve it. The funding would come out of the Town's I-Net membership budget. CM Osmond moved, and MPT Papanikolas seconded to adopt the Resolution. The motion passed 5 to 0.

Resolution 23-2019 Adopting the 2nd Monday of October as Indigenous Peoples' holiday: CM Dewey said this Resolution would restore Columbus Day, now known in many places as Indigenous Peoples' Day, as a holiday for employees. The holiday was deleted with adoption of a new Employee Handbook in October 2017. In response to CM Dewey's question, Clerk Harper said that the holiday was traded for a day off after Thanksgiving.

MPT Papanikolas moved to amend the Employee Manual to restore the holiday under whichever name the Council chooses. CM Sweep seconded, saying that Indigenous People's Day is the correct term. Phil Ventura asked if the Council plans to make the Friday after Thanksgiving a regular workday again, and what the fiscal impact of giving an additional holiday to employees is. TM Broadbent said

employees are already paid for any holidays. The only impact would be any holiday pay supplement for police officers and Public Works employees, if an emergency occurs that requires their coming in.

In discussion, Phil Ventura and Mike Attick commented that this amounts to giving employees an additional paid day off. TM Broadbent said in her experience it is worth giving employees a holiday off because morale tends to be low if employees have to work when everyone else has a day off. CM Dewey said employees often work harder in a week with a holiday to get all the needed work done. TM Broadbent said that an additional day off is a way to show the Council's appreciation and to be competitive with other jurisdictions. CM Osmond and CM Dewey agreed. Without further discussion, the Council approved the Resolution 5 to 0.

Approval of TOBH letter to State of Maryland opposing Beltway widening: Mayor Isler said the Council was provided with letter to the State of Maryland drafted on its behalf regarding the proposed Beltway and I-270 widening. CM Dewey clarified that the letter asks only to postpone a decision to move forward with the public-private partnership (P3) until more information is available to the public on the project's environmental and other impacts. MPT Papanikolas asked to amend the letter to delete a phrase that expresses support for College Park's position, because College Park's interests regarding the project are not the same as Berwyn Heights'. College Park may lose property if the widening happens.

CM Dewey gave a background explanation. About 2 months ago, the State's Board of Public Works had proposed to put the Beltway widening on hold and focus only on I-270. Then about 2 weeks ago, the Beltway widening part of the project was put back on the table, with a vote to occur 3 days thereafter. However, Comptroller Franchot asked to postpone the vote until December 18. Impacted constituents feel this is not enough time to give feedback.

In discussion, CM Sweep said the deletion of the reference to College Park places the remainder of the sentence expressing support for smart growth along Baltimore Avenue out of context. Council agreed to remove the reference to Baltimore Avenue and express support for smart growth generally as a way to reduce congestion. CM Sweep further criticized the Hogan administration's focus on the Beltway widening as the principle means to reduce traffic congestion in the D.C. area. He believes public transportation and other mobility options should be part of any plan to reduce congestion. MPT Papanikolas pointed out the Hogan administration has supported some public transportation projects, such as construction of the Purple line and approval of dedicated funding for the Metro system.

CM Sweep moved and CM Dewey seconded to approve the letter as amended. The motion passed 5-0.

8. Citizen Discussion

Phil Ventura objected to the Council's decision to forgo reports from the department directors at Town meetings. He believes citizens should be able to hear from directors at Town meetings in return for footing the bill for their salaries. He also believes directors should have discretion on how to spend their departmental appropriation without having to get prior approval for every expenditure. The Treasurer should be able to review expenditures and flag any problems.

TM Broadbent replied that department directors are welcome to attend any meeting they wish but are not required to do so. Secondly, as the Town's Chief Financial Officer and Purchasing Agent, it is her duty to ensure that all appropriated money is spent responsibly. Hence, she has instituted processes requiring prior approval of all purchases above \$250.00 via purchase orders and requisition forms. It may take a little longer to make a purchase but it does give the manager an idea of how departmental

funds are spent and how much money remains. These and other financial controls she implemented are explained in the Auditor's Report Management Analysis.

Mike Attick, 62nd Avenue, asked whether purchases he makes for the Neighborhood Watch/ Emergency Preparedness (NW/EP) Committee will have to go through this approval process. He was told he would need to request that a check be issued to pay a bill, such as expenses with the upcoming bio-hazard workshop. Mr. Attick continued that he has repeatedly asked the Town to place monthly statements for the NW/EP account in its mailbox so he knows how much money is left to spend. But this has not been done. TM Broadbent and CM Dewey advised him to just ask how much money is left in the account. Staff or Councilmembers are happy to provide that information promptly. The Police Department, with which the NW/EP is affiliated, can also give him the information.

Mr. Attick further asked if the Town is liable for injury of a family member because the curb at the paved walk leading to his house was rebuilt incorrectly during the recent road project. TM Broadbent replied she believes the Town restored the disturbed slope where new curbing was installed at the corner of his property correctly. Other than that, the Town has no responsibility for grading his yard. The Town does not own the right of way on Mr. Attick's property; the Town only has the right to do certain things in the right of way. She is happy to take another look at the property together with Mr. Attick to better understand his concern.

Joan Hayden, Seminole Street, called in to ask who owns a tree that grows in the Town right of way. TM Broadbent replied it depends. If the Town planted the tree it is owned by the Town, but not every tree growing in the Town right of way is Town's responsibility to maintain. Regardless, property owners should consult with the Town if they want to plant or remove a tree in the right of way. Ms. Hayden said she has an old tree in the right of way with dead branches and wonders who would be responsible for maintaining it. TM Broadbent said she can come out to have a look at it and make a determination.

The meeting was adjourned at 8:22 p.m.

Signed: *Kerstin Harper*, Town Clerk