



# 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

## Worksession Minutes May 6, 2019 7:00 pm

Present were Mayor Stephen Isler, Mayor Pro Tempore (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey, and Ethan Sweep. CM Jeffrey Jay Osmond had an excused absence. Also present were Town Manager (TM) Maria Broadbent, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, Public Works Director Kenneth Hall, Officer Paul Roberson and citizens.

### 1. Announcements

Mayor Isler thanked everyone who made Berwyn Heights Day a success, in particular the Recreation Council, which took the lead organizing the event.

### 2. Agenda

The following items were added to the agenda: Resolution 10 – amending Employee Handbook Vacation Leave Provisions and Citizen Comments format.

### 3. Budget Discussion Items

**BHVFD contribution:** Mayor Isler welcomed Matthew Huddle, Town Liaison of the Berwyn Heights Volunteer Fire Department. He said the Town has donated \$10,000 annually to the BHVFD for the last 5 years and would like to know if the Department is requesting a donation for FY 2020 and what the money would be used for.

Mr. Huddle apologized for not having attended Town meetings in recent months. He said the BHVFD uses the money to help pay for its apparatus. BHVFD plans to replace its rescue squad and is still paying off its ladder truck and ambulance. A contribution of \$15,000 is requested for the upcoming fiscal year. This is closer to the contributions it receives from the City of College Park and Greenbelt which it also serves. The BHVFD receives EMS ? funds from Prince George's County but it has become increasing difficult to comply with the requirements. Although BHVFD coordinates with PGCFD and has some career staff, it owns all its apparatus and the fire house.

In discussion, the Council made the following points: Berwyn Heights is smaller than College Park and Greenbelt, both in terms of its budget as well as population served; a regular report from BHVFD, either in written format or by a representative coming to a Council meeting, would be appreciated; residents have complained that the BHVFD station is difficult to reach by phone; a portion of donated funds might be set aside to add a voice mail system to the station's non-emergency telephone line. The Council agreed to remain at the \$10,000 contribution level but review its reserves in January 2020 and possibly give another \$5,000 at that point.

***Neighborhood Watch/ Emergency Preparedness Resolution:*** TM Broadbent said Resolution 7-2019 will redefine the status of NW/EP, recognizing the group as an official Town organization and placing the group under the direct supervision of the Police Department. It took longer than anticipated to bring this matter before the Council because NW/EP made changes to its organization in December and provided feedback on the new structure. This setup better aligns with the Town's interest in educating residents in emergency preparedness, crime prevention and first aid. The emergency trailer and the equipment it contains would become the sole responsibility of NW/EP. The NW/EP budget is proposed to remain at the current level of \$3,900 with unspent funds rolling over into an NW/EP reserve that now stands at \$10,058.

NW/EP Chair Mike Attick commented the Resolution has the wrong dates for establishment of the Neighborhood Watch, which came into being in the early 1970s, and the Emergency Preparedness, which was set up in 2001. The shift towards an educational mission envisioned in the Resolution would probably mean higher costs for workshops and take a bigger bite out of the NW/EP budget. NW/EP is not sure what is to be done with the trailer and the equipment it contains, nor what NW/EP's role will be, if it is no longer allowed to respond to emergencies in the field.

TM Broadbent said while the focus would be on education and training, there are some hands-on activities the group could perform including traffic assistance, welfare check assistance, home security surveys, and smoke detector checks. Mr. Attick replied NW/EP would not be interested in performing smoke detector checks as they are done by the PGCFC upon request.

NW/EP member Joan Hayden commented on the Resolution and clarified that the Community Emergency Response Team (CERT) should not be mentioned in it, as it has always been separate from NW/EP and self-funding. TM Broadbent said she will make the changes to the Resolution. The point was to give the group official standing so that it is covered by the Town's liability insurance. This is part of a broader effort by the Town to clarify its relationships with Town organizations.

There ensued further discussion about the disposition of the emergency trailer, use of the NW/EP reserve, and potential NW/EP welfare check activities. The Resolution was cleared for adoption at the May 8 Town meeting.

***ORD 177 - FY 2020 Budget amendments:*** TM Broadbent noted there are sufficient funds in the FY 2019 budget to buy iPads for the Council. Interested Councilmembers are requested to send her an email to request one. TM Broadbent provided the background for a series of budget amendments that are not reflected in the introduced FY 2020 budget. Council is requested to review each amendment and decide whether to include them in the FY 2020 budget to be adopted at the May 8 Town meeting. Treasurer Rodriguez explained Amendment 1A and 1B.

- Amendment 1A provides \$10,800 in additional funding for Health, Dental, Vision & Life Insurance to cover staff to be hired for currently vacant positions. The vacant positions were inadvertently omitted from earlier calculations.
- Amendment 1B provides \$4,000 in additional funding for Health, Dental, Vision & Life Insurance to cover an additional officer to be hired during the next fiscal year. The figure represents half a year of insurance coverage.

The Council approved the funding. TM Broadbent explained the remaining amendments.

- Amendment 2 appropriates \$30,000 for the replacement of the Town's server, which had a critical outage in April. The replacement would be funded from the Cable TV reserve that currently

contains \$120,000. This money would also be used to hire a professional videographer to produce informational material for the Town's public access channel and for the Historical Committee to produce oral histories. The Council approved the funding.

- Amendment 3A appropriates \$5,028 to restore limited holiday pay for part-time employees that was in effect prior to the adoption of a new employee handbook in 2017. Alternatively, Amendment 3B would provide full holiday pay for those employees at a cost of \$8,812. The Council approved option 3A with the proviso they would re-examine whether to provide full holiday pay in a future budget.
- Amendment 4 appropriates \$5,293 to provide short-term disability insurance to full-time employees to protect them from loss of income due to injury when not at work up to 6 months. This program is administered through the Town's health and liability insurance carrier LGIT which assumes all responsibility for screenings, consultations with doctors and returning the employee to work. The Council discussed sharing the premium with employees. I was agreed to pay 100% of short-term disability costs but not to provide any long-term disability insurance.
- Amendment 5 appropriates \$5,364 for long-term disability insurance for full time employees. The Council agreed not to provide this insurance (see above).
- Amendment 6 appropriates \$3,000 for mail-in voting to increase voter participation. During the 2018 Town Council election 297 out of 2017 registered voters voted or 15%. It is proposed to mail out a ballot to all registered voters, who can then send them in at their leisure. Registered voters could still choose to vote in person on election day. The appropriation is based on the postage for mailing the ballots. Mail-in voting has been adopted by Rockville and College Park as well as other jurisdictions around the country. Prior to implementation, any needed changes to the Election Ordinance would be made and the Board of Election Supervisors consulted. The Council approved the amendment.
- Amendment 7 revises from \$120,000 to \$24,000 the receipts expected in FY 2019 from the Greenbelt Station Development compensating Berwyn Heights for the impacts of the development. The \$24,000 payment will be the last as the development is almost finished.

***FY 2019 Budget Amendments:*** TM Broadbent explained, during the budget process, the Council had decided to fund several items from the FY 2019 fund balance, including the purchase of tippers and Toters to upgrade the recycling program; the purchase of a speed monitor and a radar gun for BHPD; and the set-up of a vacation attrition fund for exempt employees. These amendments to the FY 2019 budget are in the form of an ordinance set forth separately in Ordinance 175-B, 175-C, and 175-D, as well as in Resolutions 8-2019 and 9-2019 awarding related contracts.

TM Broadbent said Ordinance 175-B authorizes funding for the purchase of tippers and Toters. Berwyn Heights is now a member of a national purchasing cooperative and will be able to purchase Toters at a reduced price. Resolution 8-2019 awards the contract to Toter, LLC of Statesville NC. Resolution 9-2019 awards the contract for the tippers to Gran Turk Equipment of Baltimore MD. In response to questions, Director Hall explained the new trash truck will already be equipped with the tipper and Gran Turk will install the other. The toters are likely to be on hand in July or August. In discussion, it was noted that residents who don't want the 64-gallon Toters can continue to use the smaller bins they currently have. Elderly or disabled residents can request assistance from Public Works to bring their Toters to the curb.

TM Broadbent said Ordinance 175-C authorizes funding for a radar speed gun and a mobile speed monitor sign, recommended by the Quality of Life Commission to reduce speeding on Town streets. The Council noted that the number of monitors and radar guns were reduced from the original request.

Officer Roberson was present to discuss the BHPD budget request. He said he had not been briefed on the

monitor and the radar gun but can explain the request for an additional police officer. The main reason for the request is that the duties of local police departments have increased with an expanded mandate for community policing. Further, additional police will make the Town safer, evident in Berwyn Heights' low crime rate. In discussion it was noted that Chief Antolik had requested the additional officer principally to have a 2<sup>nd</sup> officer on duty per shift as backup. Backup is useful when a warrant is served, or an officer has made an arrest and must transport a suspect to prison, thus leaving the Town uncovered. Currently, the Town relies on allied agencies and County police in such circumstances. Additionally, BHPD is likely to see a lot of retirements in the coming years and an additional officer would facilitate the transition. Crime trends were not part of the Council's considerations for funding a 9<sup>th</sup> officer.

***Vacation attrition fund:*** TM Broadbent explained Resolution 10-2019 would set up a \$6,000 annual leave revolving attrition fund for exempt employees to pay them for unused vacation days when they leave the service of the Town. This became relevant because the Council decided to restore the maximum of 120 hours of annual leave employees can carry over from one year to the next, which had been reduced to 80 hours with the adoption of a new Employee Handbook in 2016. The reserve removes an unfunded liability from the books and satisfies a concern of the auditors.

In discussion, it was clarified that employees may donate annual leave to another employee who needs more days off than he gets. TM Broadbent could authorize such transfers as it has no impact on the budget. The proposal for adopting a scheme, in which the hours of carried-over annual leave are based on how many years an employee has worked for the Town, was not implemented for simplicity sake. However, the Town awards annual leave on the basis of length of service. The Council had no objection to the annual leave attrition fund.

#### **4. Discussion Items**

***I-495 widening letter of opposition:*** CM Dewey proposed the Council write a letter to the Maryland Department of Transportation (MDOT) stating its opposition to the proposed widening of the Capital Beltway. She said 3 Councilmembers attended the Four Cities meeting in January, at which MDOT representatives gave a presentation on the project and did a poor job answering the many questions people had. A subsequent MDOT workshop she attended was almost identical, with the exception of some information provided on the number of houses and acres of forest that would be lost.

CM Dewey said she is opposed to the widening because she does not believe that it would fix the congestion in the long run. Additionally, she had the impression that the outcome of the public hearing process was predetermined, the option of not undertaking the project was not seriously considered, and public comments and concerns were not listened to. This is why she would like to write a letter to state this Council's objection for the record.

CM Sweep agreed, saying the information provided to justify the widening was insufficient and selective. Further, the new lanes would be toll lanes and primarily benefit people who can afford paying for using them, but it would not necessarily solve the congestion problem. It was agreed that CM Dewey draft a letter, which would be reviewed at a worksession in May and sent by September. The Four Cities will be invited to sign on as well.

***Endangered Species Day proclamation:*** CM Dewey proposed to proclaim May 8 Endangered Species Day, which normally falls on the 3<sup>rd</sup> Friday in May. It is intended to draw awareness to animals and plants that are at risk of becoming extinct and to encourage individuals and organizations to take action to protect them. In Maryland, the Delmarva fox squirrel was on the endangered species list but has been recently delisted. There are many other less well-known species that are threatened, including fish and insects. She will look them up for the occasion. There were no objections to the proclamation.

**Citizen comments (added item):** Mayor Isler said he would like the Council to discuss how citizen comments are handled because he has received many critical comments from residents about it. Concerns include that too many citizen comments are entertained during worksessions; that citizen comments are too long and that there are too many side conversations. He asked whether other Councilmembers have heard similar things.

Councilmembers said they have and discussed the concerns. The following points were made: Side comments are distracting and should be stopped; allowing comments during worksessions gives the Council the opportunity to reflect and take them into account before legislation is enacted; State law does not require local governments to allow citizen comments and some cities don't; comments by individuals should have a shorter time limit than comments made on behalf of an organization; speakers who do not follow proper decorum or use profanity might be barred from commenting at public meetings; meetings are not the only forum for comments; longer comments might be submitted in writing and will be addressed by the Council or staff.

The Council agreed to limit individual comments to 3 minutes and comments made on behalf of an organizations to 5 minutes, with another 5 minutes for follow-up discussion. Mike Attick said he believes time limits are not useful because the chair has the option to stop comments. Phil Ventura said he thinks a 3-minute limit seems like an unfair stifling of comments, especially if the speaker waits to the end of the meeting to voice an opinion. He also thinks citizens should be allowed to ask for clarification about matters being discussed.

The Council further agreed that requests for clarification can be brought up throughout a meeting and are not subject to the 3-minute rule. An explanation of the time limit for comments will be added to the Town meeting agenda and posted on the wall of the Council Chamber.

#### **4. Minutes**

On a motion by CM Sweep, seconded by CM Dewey, the March 23 budget worksession and April 1 worksession minutes were approved 4 to 0. The April 10 Town meeting minutes were distributed and corrected.

#### **5. Department Reports**

MPT Papanikolas reported that the Administration has started to use electronic checks as a form of payment. CM Sweep said Berwyn Heights Day was a great success. He thanked Public Works for setting up all the equipment and helping throughout the Day. CM Dewey thanked everyone who helped organize Berwyn Heights Day and all those who came out to celebrate. The Education Advisory Committee set the 4<sup>th</sup> Monday of the month as its regular meeting date.

TM Broadbent thanked Administrative Coordinator Yvonne Odoi for all her behind-the-scenes work to make Berwyn Heights Day a success, from obtaining licenses to arranging a ride in a sidecar for the Town Manager. She has worked on reviewing applications for the Code positions, helped with a Town organizations policy and identified sites for planting trees.

#### **6. Town Council Schedule**

The Council reviewed the calendar. CM Sweep will attend a June 4 public hearing on the Beltway widening.

#### **7. Citizens Discussion**

Phil Ventura, 57<sup>th</sup> Avenue, sought clarification on the budget information published in the May Bulletin regarding a net loss in FY 2019 and the disposition of road project funds. He also commented on the annual leave policy to be adopted, parking on the Berwyn Road bridge, the increase in real property taxes, limits on citizen comments, and the dismissal of the Code supervisor. The Council responded with clarifying the reasons for the tax increase and the process for terminating employees.

The meeting was adjourned at 10:50 p.m.

Signed: *Kerstin Harper*, Town Clerk