



Town of Berwyn Heights

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Minutes Worksession September 15, 2014

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Edward Murphy, Clerk Kerstin Harper and Sharmila Bhatia.

1. Mayor

Announcements: Mayor Calvo just visited with neighbors, who are the parents of the newest resident of the Town, Mia Caroline Garnett, born on September 4.

Calendar: November 20 was set as the date for the Berwyn Heights legislative dinner.

Minutes: On a motion by CM Dennison and second by MPT Kulpa-Eddy, the August 25 worksession minutes were adopted 5 to 0.

Department Reports: Mayor Calvo reported on a meeting he, Danielle Glaros, Chief of Staff of County Councilmember Olson, and Gwendolyn Clerkly of the Prince George's Department of Public Works and Transportation (DPW&T) met with WSSC representatives to discuss the denial of claims for sewer backups during the June 10 flash flood. WSSC had sent a blanket denial letter to the 10 Berwyn Heights residents who had filed the claims. The letters contained misleading information and misquoted DPW&T staff. WSSC apologized for the mis-communications and agreed to individually investigate each claim of a sewer backup and notify residents of the findings in writing. However, WSSC only accepts responsibility for sewer backups if the water causing an overflow entered from WSSC-owned pipes.

Mayor Calvo thanked CM Rasmussen and Schreiber for accepting the Sustainable Maryland certification that was awarded to Berwyn Heights at the recent MML conference. The certification was also celebrated at the dedication of the community garden last Saturday, attended by all who were materially involved in its establishment. Public Works staff, which had worked closely with the Green Team in identifying and preparing the site for the garden, bringing in supplies and filling the water cistern, was unable to attend. A certificate of appreciation for their help was prepared for them. Thanks to Tim Lewis and his son, children had a great time painting a mural on the walls of the community garden shed. Further, Mayor Calvo noted that the Town is very close to appointing a new Town

Administrator, which will be announced at the October Town meeting.

CM Schreiber reported that he has had discussions with Director Lockley about moving towards once-a-week trash pickup. This has been successfully implemented in many other communities as more trash is being recycled. Mayor Calvo said that doing so would be a Council decision. The matter was discussed at length a couple of years ago. But the Council ultimately concluded that it was not feasible, primarily because of physical limitations. Rather Public Works is exploring the possibility of a modified twice weekly collection, where the second pickup serves the entire Town and takes place on one day.

MPT Kulpa-Eddy reported that she attended a WSSC budget meeting and learned that one of their biggest projects is the Berwyn Heights water main replacement project. This may afford a good opportunity for the Town to interact with WSSC, as the commissioners appeared interested in receiving input. She and CM Rasmussen attended Hello Huskies Night and said 'hello' to the school community for the Council. Attendance was high on this beautiful evening, and she enjoyed speaking with many parents and teachers. NW/EP spent September 11 assisting the police patrolling around the school. It turned out to be a quiet day. Lastly, MPT Kulpa-Eddy said that the sidewalks project is ready to go out to bid. TA Murphy would like to hear any suggestions for publicizing the bid specs.

CM Rasmussen reported that he and CM Schreiber attended the MML fall conference and completed 4 classes for their Certificate of Excellence in Municipal Governance. He had the opportunity to speak with officials about the Urban Forest initiative, and met the Healthy Eating, Active Living (HEAL) representative, as well as legislators from several nearby Prince George's municipalities. He also made arrangements with the Green Team to discuss the Urban Forest initiative at their next meeting. At Hello Huskies Night, he joined the PTA.

CM Dennison reported that she attended the reception for former Mayor Tom Love, who was a family friend and the Boys & Girls Club baseball coach of her children Sarah and Christopher. Upcoming events include the Lake Artemesia concert, Berwyn Heights Elementary School (BHES) walk-a-thon, and Boys & Girls Club Harvest Fest. Mayor Calvo added that a share of the proceeds from the Tom Love reception will be donated to the Berwyn Heights Boys & Girls Club and the House of Ruth charity. BHES teachers Ellen Bastio and Kathy Schuster received a grant to implement *Typing without Tears*, a technology initiative funded by the Berwyn Heights Town Council.

Citizen comments: CM Dennison received a comment about the inconsistency of posted speed limits in school zones. MPT Kulpa-Eddy received a comment on the long duration of construction at a Ruatan Street home and a comment about a noise issue. She noted that residents should call the Code Department about noise-related concerns during the day, and the police non-emergency number at night. Mayor Calvo received comments about the disposal of bamboo, about inconsistent speed limit signage, and about trees cut down in the Town right-of-way without consultation of the home owner.

Department reports: Mayor Calvo said that the directors provided the Council with revised monthly reports that have taken into account the Council's feedback. He thought they are much improved. He particularly likes the Code Department's monthly report, which provides highlights of recent accomplishments and upcoming objectives, apart from a tabulation of code activities.

The Administration Department's report, which is based on the Code Department model, is a bit too

focused on the budget. For example, he would like to add an overview of leave and vacation taken by staff as a whole. It would also be useful to show the year-to-date expenditures and revenues as a percentage of what was budgeted to indicate whether the status quo meets or falls short of expectations. This might be done by color coding the figures. MPT Kulpa-Eddy agreed and suggested that year-to-date data might be shown as a graphic, such as a thermometer, to indicate whether it is on track or not.

Mayor Calvo said the Police Department report has a lot of useful information, but is perhaps a bit too busy. He likes the infractions graph that shows monthly variations in traffic offenses, as well as the fines and forfeitures graph that includes last year's data as a reference point. While, the Public Works Department's report uses a different format, it also gives a good overview of where the department stands. But it lacks a reference point to indicate whether the status is good or bad. CM Rasmussen said that this report is difficult for a newcomer on the Council to evaluate because it lacks context. He also suggested that departments indicate whether they use the fiscal year or the calendar year as a baseline for their data collection and provide a measure of how Public Works staff is deployed. Mayor Calvo responded that the fiscal year should be the baseline for all the financial data, but crime statistics are based on the calendar year because that is FBI's baseline to whom the data is reported. As for Public Works staffing, Director Lockley will address it when he attends the next meeting.

Four Cities agenda items: Mayor Calvo received a request from Greenbelt's Mayor Emmett Jordan to send a letter of support for a utility 2.0 initiative. The request originally comes from Montgomery County Councilmember Roger Berliner, who is spearheading the effort to subject a greater portion of utilities' returns to performance-based ratemaking. The letter is needed by September 17 to enable Berliner to intervene in the upcoming hearings of the Maryland Public Service Commission on the Pepco-Exelon merger to roll out the initiative. Mayor Calvo said he assumed that the request concerned the issue of replacing utility poles, but now realizes it is too complicated to take a position on tonight. Four Cities agenda items can still be proposed at the October worksessions.

At 8:10 p.m., the Council took a 10-minute break.

Clean Lot Ordinance: Mayor Calvo explained that TA Murphy has begun to revise the Clean Lot Ordinance based on the Council's previous discussions. Tonight he would like the Council to inventory the issues the Council should address in the revision process. He asked TA Murphy to give an overview of the draft revisions he has made so far.

TA Murphy said that one of the issues he has focused on is the violation of keeping abandoned or inoperable vehicles on a property. He believes there is a disconnect between the definition of an inoperable vehicle and enforcement. The ordinance requires that a vehicle, which is inoperable, or does not have a valid Maryland registration, must be enclosed in a garage or be covered by a car cover. Enforcement has focused on ensuring that vehicles are properly covered and that there are no more than two covered cars on a given property. Currently, there are three properties, two of them vacant, with homes nearing demolition. They have had abandoned vehicles in their driveways for years. The Town has approached Prince George's County to remove these vehicles in accordance with their process. While the County initially agreed to remove them, it has since closed the case. TA Murphy thinks the Town has the necessary authority under the existing Ordinance to remove the cars if proper notification is given and an incident report is filed. In revising the Ordinance, TA Murphy has therefore broadened the definition of an abandoned, inoperable vehicle, and clarified the conditions under which the Town can remove such vehicles.

CM Schreiber said he thinks *Section 5 (D) - Violations* of the Ordinance allows abandoned, inoperable vehicles to be kept on a property if enclosed in a garage or properly covered. MPT Kulpa-Eddy agreed, noting that, while vehicles without a current registration are included in the definition of inoperable vehicles in Section 4 (A), residents are allowed to have them if they are out of public view. Mayor Calvo said he doubts whether the Ordinance, as written, gives the Town the authority to remove such vehicles, unless it is treated as an abatement. If a car has been sitting for years on a property that is vacant, the Town can abate the property and remove the vehicle. However, it might be difficult to find a towing company that has the proper license to do this. TA Murphy said any towing company with a license to tow from private property can do so once an incident report is filed with the police and a case number is assigned.

Mayor Calvo said that there are other areas of Ordinance 107 that need to be revised, including:

- Tightening up the repeat offender fining process. Once a property owner has been repeatedly cited for the same violation in a year, there should be a provision that allows the Town to skip notification and apply an immediate fine.
- Accelerating abatement of vacant properties. Once the owner of a vacant property is identified the Town should be able to abate within the space of days after notification, rather than weeks. Prince George's County can abate after 3 days. Mount Rainier requires owners of vacant properties to register with the city annually.
- Adding a process for the demolition of condemned properties.
- Clarifying circumstances for towing of inoperable vehicles.
- Regulating spreading bamboo and other invasive plant species.
- Requiring repair of broken fences in front yards.
- Regulating structures on a property, such as retaining walls, to prevent them from negatively affecting neighbors. Property owners, who have been notified that they must fix structural problem, could be fronted money by the Town and allowed to pay it off over time through an ad valorem tax or the lien process.

The Council further agreed that Code staff should be asked to identify any additional issues they find difficult to enforce because of inadequacies in the Ordinance.

Nothing was discussed under **2. Parks and Recreation** and **3. Public Safety**.

4. Public Works

Bus stop pads and benches: TA Murphy said that the priority 1 sidewalks project will be put out to bid in short order. The Council's plan is to build bus stop pads and install benches at the same time. Preferred locations for the bus stop improvements still need to be identified. The budget provides \$5,000 for 10 pads and benches. Mayor Calvo said it is sufficient for the purposes of the bid to tell contractors the number of pads and benches. Meanwhile, the Council can review maps and come up with recommendations for locations later. The Council agreed that the most frequented bus stops should be given top priority. This would probably include most of the Metrobus stops along Edmonston Road. The Public Works director should be asked to furnish a priority list.

Curb and gutter improvements: Mayor Calvo said that Public Works Director Lockley has provided a list of locations where curbs and gutters are cracking and eroding. These types of repairs can be done at a lesser price when the concrete contractor is in Town working on the sidewalks project. The Council is

requested to identify any additional locations to those listed. None were added.

'No solicitor' sign locations: TA Murphy said that Chief Antolik provided a map marking the proposed locations for 'no solicitor' signs. Council is asked to review and revise the list. MPT Kulpa-Eddy said that the NW/EP has reviewed them, and recommends placing them at Town entrances along the commercial district, and on Berwyn Road at Sports Park. They saw no good reason to place them at Pop's Park or the Town Center. The Council agreed to minimize the number. Proposed locations at Cunningham and Goucher Drive, and at 58th Avenue and Quebec Street were deleted. Further, the Town office is to be instructed that vendors who apply for a permit should be issued one expeditiously. The applications do not need to be approved by the Council.

Pavement maintenance: CM Schreiber explained that Public Works Director Lockley provided background documents to inform the Council what is being done to repair the potholes throughout the Town, using \$5,600 appropriated in this year's budget. TA Murphy added that Public Works hired a new vendor this year, who will use hot patch instead of cold patch to fill pot holes. The patching should be undertaken before the weather gets too cold and the leaves start falling. Mayor Calvo asked for a motion to approve the expenditure. CM Schreiber so moved. MPT Kulpa- Eddy seconded. The motion passed 5 to 0.

5. Administration

Budget amendment: TA Murphy said he is still working on finalizing the FY 2015 budget amendment that was introduced at the September 12 Town meeting. The amendment will address additional expenditures resulting from the hiring of a new town administrator, and code supervisor, planned purchase of an electronic code tracking system, and a new contribution to the vehicle replacement reserve for the Four Cities street sweeper. The amendment also takes into account the emergency generator expenses that were initially budgeted for FY 2014, but had to be postponed because the County permits were not issued until this September.

Mayor Calvo said that the bulk of the amendment is due to the town administrator transition, and includes a higher salary for the new town administrator, as well as funds to retain TA Murphy as a temporary adviser and to pay for his unused annual leave. Unlike the other items, the \$7,000 contribution for the Four Cities street sweeper will be an ongoing cost, and should be financed from the operating budget. The amendments will be discussed again at the next worksession and finalized for adoption at the October 8 Town meeting.

Property acquisition: Mayor Calvo explained that this item is on the agenda because the Berwyn Heights Historical Committee (BHHC) is concerned about the historic Sportland property, which has been foreclosed and is up for sale. BHHC chair Sharmila Bhatia was present to discuss the matter with the Council. However, rather than discuss the purchase of this, or any other individual property, he would prefer to discuss property acquisition broadly and develop a framework to guide the purchase of properties.

CM Rasmussen said it behooves the Town to discuss the value of its stock of historic properties, several of which are in a state of neglect. As they are in private hands, options for preserving them need to be identified. Secondly, when the opportunity arises to purchase a property for its historic value or other uses, the Town should have a set of criteria to evaluate it. Possible uses for a property such as this could include a community gathering place, library or dog park. Mayor Calvo said that a real danger

for Sportland is that it could be torn down. The BHHC may be able to identify options to prevent this.

Ms. Bhatia said that she and Clerk Harper met with Park & Planning's Historic Preservation Commission to discuss Sportland. Park & Planning is unlikely to acquire the property as it already owns and operates a number of historic homes, including one that is similar to Sportland and in better condition. Sportland's historic status does provide some protections, even while in private hands. For example, the house cannot be torn down or its exterior altered without approval of the Historic Preservation Commission. Ms. Bhatia said that BHHC members have taken a tour of the home and found it to be in bad shape. While it has some original features, its value is primarily historic. It is the oldest home in Berwyn Heights and its estate originally contained all the land on which the Town now stands. It had several prominent owners, one of whom operated a boxing ring there. If the Town decided to buy the property, a number of grants and tax credits are available to repair it. Mayor Calvo said it seems likely the property will sell for less than its asking price because it would be difficult to redevelop with the historic protections in place and a lot not wide enough to subdivide.

Based on Mayor Calvo's proposal, the Council agreed on the following criteria for property acquisition:

- Utility for housing important Town functions, such as a police station;
- Acquisition of additional land for unspecified use;
- Location and accessibility of the lot;
- Historic value;
- Suitability for leasing to an appropriate tenant;
- Space for parking.

Mayor Calvo thanked Ms. Bhatia for coming in. He encouraged the BHHC to discuss Sportland's acquisition with this framework in mind and then make any further recommendations.

Review of Town charter, ordinances and council rules: Mayor Calvo said that the agenda packet contains indexes of the Town's charter, ordinances and council rules. He thinks the Council should set aside time to review them and make needed updates. A charter review might best be assigned to an outside contractor, while ordinances require a lot of effort and are being revised on an as needed basis. Council rules are most in need of updates and are also the easiest to change because they can be adopted by resolution. For example, Council Rule 10, 12 and 15 dealing with the responsibilities of the Administration and Code Departments should be updated to take into account the newly-adopted *Ordinance 121 - Executive Powers and Duties*. Council Rule 5 might be a place to set down a formal numbering system for Town ordinances, as was discussed in the context of Ordinance 167-A, which adopts the FY 2015 budget amendment. He asked Councilmembers to review the charter, ordinances and council rules for which they are to be provided an updated set of copies.

Nothing was discussed under **6. Code Compliance**.

7. Executive Session (10:11 p.m. - 11:08 p.m.)

On a motion by MPT Kulpa-Eddy and second by CM Rasmussen, the Council went into executive session to discuss personnel matters. With matters discussed, MPT Kulpa-Eddy moved and CM Rasmussen seconded to end the executive session.

The meeting was adjourned at 11:09 p.m.

Signed: *Kerstin Harper, Town Clerk*