



Town of Berwyn Heights

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Minutes Town Meeting April 9, 2014

The meeting was called to order at 7:30 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, CMs Almoguera, Dennison, and Kulpa-Eddy. Also present were Town Administrator (TA) Murphy, Chief of Police Antolik, Treasurer Lape, Clerk Harper and Delegate Alonzo Washington and citizens.

Mayor Calvo led the Pledge of Allegiance.

1. Hearings

FY 2015 Town budget and Public Safety Taxing District budget: Mayor Calvo gave an overview of the 2015 budget. He said that this is a tight budget because real property tax revenues have remained flat in this 2nd year of the triennial assessment. To continue to finance the core functions of Town government, the Council is planning to increase the real property tax rate by 1.4 cents, from 48.6 cents to 50 cents per \$100 of assessed valuation. This increases the operating budget from \$2.439 million to \$2.562 million, or 5%. In addition, the Town continues to levy a 3 cents road tax, which is placed into the infrastructure reserve and does not affect the operating budget.

The increase in the operating budget is driven mostly by salary increases resulting from a 2% COLA and merit increases the Council awarded last year. It also includes the restoration of funding for an eighth police officer and one promotion to corporal, as well as funding for a full-time Public Works director and a Code supervisor. Otherwise, this is a hold-the-line budget.

In the capital budget, the Council is proposing to purchase a new Public Works dump truck using mostly money from the vehicle replacement reserve, one new police car, a speed monitor, and new furniture for the Town Center. The Council also increased the Town's contribution to the Berwyn Heights Volunteer Fire Department (BHVFD) from \$1,000 to \$10,000 to offset the drop in voluntary contributions from residents. This is the start of a conversation with the BHVFD to find better accommodations and keep a strong fire department stationed in Town.

Overall, the Town's financial position remains strong, with healthy reserves and a surplus totaling \$717,000. One outstanding issue for the Council to solve is the sidewalks project. The Town is close to getting the County permits, including a related stormwater mitigation permit, and hopes to be able to put the project out to bid this fall.

Councilmembers gave overviews of their departmental budgets. MPT Wilkinson, who heads the Public Works Department, said that his budget funds the replacement of a 1 ton dump truck with a diesel engine and all-wheel drive so that it can be used for snow plowing. It also converts the current acting director position into a permanent full director position, and adds a half-time administrative assistant. The tree care appropriation has been increased to maintain trees in the Town right-of-way, an issue that has come up frequently in recent years. The budget also includes funding for the start up of the community garden located on the Tecumseh Street right-of-way between 58th and 59th Avenue, and for more improvements at Pop's Park.

CM Almoguera said that the Administration Department budget, which includes the Municipal Building and Town Center, is fairly flat. Fortunately, the Town was able to take care of the most important building upgrades over the last two years and does not need to make expensive investments now. The only increases were in staffing costs due to the COLAs and merit increases awarded last year, which she proudly supports.

CM Kulpa-Eddy said that most of the important changes in the Code Compliance Department budget are in the staffing area. The Town plans to hire a Code supervisor to replace the former Code Director at lesser salary. The reasoning is that whoever fills the position will need to first get familiar with the Town and its community standards before working up to a more prominent position. To be able to continue to carry out all Code activities, the budget funds more part-time hours for the officers and clerk. With exception of a slight increase in the telephone line item, there are no other noteworthy increases in the operating budget. On the capital side, the Code Department obtained a new vehicle last year as well as a backup police car, both which are in good shape.

CM Dennison said that there are no big changes in the Parks & Recreation Department. Small amounts of money were added to the equipment line item for Pop's Park improvements and the Historical Committee appropriation to pay for increased cost of supplies. Further, a \$1,000 appropriation was added to her budget to pay for a composting education program for residents.

Mayor Calvo said that the Public Safety Taxing District budget, which funds one full-time police officer remains healthy at \$71,500. The revenue comes from a special tax that applies to the Town's commercial district: an additional 10 cents in the real property tax rate and 7.5 cents in the personal property tax rate. The budget also funds the purchase of one police vehicle every other year. Mayor Calvo further noted that the operating budget provides for a 10% increase in health care expenditures. While waiting for the final numbers for next year's health insurance rates, usually received in early May, a significant increase is anticipated due to the implementation of the Affordable Care Act.

At 8:49 p.m., Mayor Calvo opened the hearing for the FY 2015 Town budget and Public Safety Taxing District budget. Mike Attick, 62nd Avenue, asked how much money the tax increase is supposed to generate. Mayor Calvo said that approximately \$43,000 is expected to be raised from the combined real property and personal property tax rate increases. For residents that means they will pay approximately \$30 more per year. Mr. Attick also asked how much is budgeted for the emergency generators and the sidewalks project. Mayor Calvo said the emergency generators are funded in the FY 2014 capital budget, with the Town's share costing \$81,000. The priority 1 sidewalks are estimated to cost around \$460,000 and will be funded from

speed camera revenues reserves and Greenbelt Station compensation funds. With no further comments, the hearing was closed at 8:52 p.m.

Ordinance No. 121 - Executive Powers & Duties: Mayor Calvo explained that the Council spent considerable time in the last couple of month discussing the issue of operational unity within the Town government structure. The Town currently functions as a commission-style of government, where Councilmembers function as department heads and directors report to them. The new ordinance clarifies that the Town Council collectively continues to serve as the Town's Chief Executive Officer (CEO) but transfers the responsibility for daily operational matters to the Town Administrator. He would in effect become a Chief Administrative Officer, and, as a full-time employee, be in a better position to monitor daily operations and ensure coordination of the departments. Councilmembers would retain policy control and continue to oversee their departments, but not be as closely involved in day-to-day operations. Mayor Calvo said tonight the Council will introduce a draft of the new Ordinance, while recognizing it needs more work before it can be adopted. Meanwhile, residents are welcome to comment.

At 8:56 p.m., Mayor Calvo opened the hearing. Mike Attick asked whether Section 10 (A) of the Ordinance, charging the Town Administrator with the enforcement of all Town ordinances, appropriate County ordinances and State law, is too sweeping. Mayor Calvo replied that the Council did flag this provision for a rewrite, as it gives the Town Administrator too much power. With no further questions, the hearing was closed at 8:58 p.m.

Ordinance No. 108 - Council Compensation: Mayor Calvo explained that the issue of Council compensation was not on the agenda until this election cycle, when it became clear that only 3 candidates would be running for Town Council. The Council decided to raise the Council stipend from \$150 to \$250 per month, or \$3,000 per year, effective January 1, 2015, in the hope that it will help persuade more Town residents to consider running for office. However, the Town Charter mandates that any Council stipend increase be adopted by one Council for the next Council.

At 9:00 p.m., Mayor Calvo opened the public hearing. Mike Attick commented that he thinks the raise is long overdue. The stipend does not begin to compensate for the amount time and effort Councilmembers put into this job. With no further comments, the hearing was closed at 9:01 pm.

2. Delegate Alonzo Washington Presentation

Mayor Calvo welcomed Delegate Alonzo Washington, District 22, for a report on the legislative session that just ended. Delegate Washington said that a lot of good legislation was passed this session, including legislation supporting wind and solar energy, universal pre-k schooling, school construction (with \$27 million in school construction funds going to Prince George's County), and increasing the minimum wage to \$10.10 per hour. The legislature also provided \$2.1 billion in funding for the Purple Line, and \$650 million for a new general hospital at Largo Town Center, to be jointly administered by the University of Maryland, Prince George's County and the State of Maryland.

Delegate Washington continued that several transit oriented developments were also funded. Ground was just broken to build the new Department of Housing and Community Development at the New Carrollton Metro Station, which should bring a lot of new jobs to Prince George's County. The State and the County are also working to attract the new FBI headquarters. In

Prince George's County, two sites have been proposed. He thinks the site at Greenbelt Metro Station is preferable to the closed Landover Mall. However, he found it worrisome that at a recent University of Maryland rally, Maryland's U.S. representatives did not endorse the Greenbelt Station location.

Delegate Washington said while it is great to get big federal employers to locate here, Prince George's does not attract enough private businesses, and high-tech jobs. To encourage businesses to come here, \$25 million in tax credits was set aside to support them. Lastly, he thanked the Town for accepting him as their Delegate after Justin Ross left. He wants his constituents to know that he will work very hard to represent this district and bring more prosperity to the County.

Mayor Calvo thanked Delegate Washington for coming out. He appreciated the quick response to his inquiries during the session. He asked what the final status of the speed camera legislation is and the prospects for a long term commitment on Highway User Revenues (HUR), which currently are awarded from year to year. Delegate Washington said that the speed camera legislation went through a lot of changes and that he voted for it. Further, he believes that no long term commitment was made on HUR because legislators did not want to tie the hands of a new governor to be elected this fall. He will fight to get municipalities the increases they were promised after Maryland raised the gas tax.

Responding to other questions, Delegate Washington said that he is proud of his role in changing and passing the proposed law on the decriminalization of marihuana. Those getting caught with less than 10 grams of the drug are now subject only to civil fines, rather than criminal sanctions. However, they must enroll in a rehabilitation program. He also said it is one of his priorities to have the FBI headquarters located at Greenbelt Station and work with the representatives on it. MPT Wilkinson thanked him for informing the Council about the FBI issue and briefing them on the outcomes of the legislative session.

2. Minutes

Clerk Harper read a summary of the March 12 Town meeting minutes. On a motion by MPT Wilkinson and second by CM Dennison, the minutes were approved 5 to 0.

3. Treasurer's Report

Treasurer Lape gave the Treasurer's report for the month of March.

4. Mayor's Report

Mayor Calvo reported that the Council had a constructive discussion about the upcoming Town Council election. For the first time in his memory, only 3 candidates filed their papers by the March 4 deadline, and 2 open seats will need to be filled by write-in candidates. While the Town allows for write-in candidacies, there are no provisions in the election ordinance regulating them. Therefore, the Council decided to establish some parameters and give guidance to the election judges on how to handle the issue. Like the declared candidates, write-in candidates will be required to file a Petition of Candidacy and a financial disclosure, per the state-mandated Ethics Ordinance. These papers must be filed by April 22, if the candidate wants to participate in the candidates' forum on April 23, or by April 30 to be listed on sample ballot posted in the polling station on election day. Any resident interested in becoming a write-in candidate should contact Clerk Harper at the Town office to obtain the needed materials and instructions.

Mayor Calvo continued that another matter he worked on is laying the groundwork to get a 2nd animal shelter built to serve northern Prince George's County communities, where the largest market for animal adoptions is. Adam Ortiz, former Mayor of Edmonston and now Director of the Department of Environmental Resources (DER), at a recent Four Cities meeting proposed that the northern communities cooperate to build the shelter and help fund a \$250,000 feasibility study with the County to determine the logistics of the undertaking. He thinks this is a great idea and would give every party making a contribution a seat at the table in making it work. He thought that Berwyn Heights might give \$10,000, whereas the larger cities would give more and the County would pay the largest share. The discussion will resume at the next Four Cities meeting in New Carrollton, which will be attended by the head of the Prince George's County Humane Society to figure out how they might help

Mayor Calvo further noted that he recently emceed the Berwyn Heights Elementary School talent show, which is always fun, and that the community garden volunteers turned out in great numbers last weekend to build the raised beds with the lumber financed by the Town. Next Saturday, a spring cleanup is scheduled for which volunteers are needed.

5. Department Reports

Administration: CM Almoguera reported that the Playgroup visited that BHVFD on April 5, which opened its doors and gave them a tour. Despite the fact that the crew had a very busy night they were most accommodating. The Administration is still focused on the budget and was busy preparing the ordinances that will be introduced tonight.

Code Compliance: CM Kulpa-Eddy reminded residents that Berwyn Heights has a Noise Ordinance as they are opening up windows and spend more time outdoors. Noise restrictions are usually in effect between 9 p.m. and 8 a.m., and extending into the morning hours on weekends. This particularly includes noises made by sound amplifiers, chain saws and lawn mowers. If a noise disturbance is occurring, neighbors are requested to first try to speak with the neighbors to resolve the issue. If this does not help, residents can call the Town office on weekdays or the police non-emergency number on weekends.

Parks and Recreation, Education and Civic Affairs: CM Dennison reported that there was a big turnout at the talent show and thanked Kristin Buker for coordinating it. The next big event is Berwyn Heights Day. Volunteers are still needed. She hopes residents will come out and participate in the many activities.

Public Health and Safety: Chief Antolik reported that he just apprehended a man who had exposed himself to woman and her daughter who were walking on the Indian Creek trail. He cautioned residents to be alert when taking a walk in the park. Otherwise, he is pleased to report another month with few serious crime. In March, there were 2 Part I offenses, as opposed to a 5 year average of 6.6. The total for the year to date was 15, also significantly below the 5 year average of 21. The police issued a total of 193 state and town citations and 294 speed camera citations, with Greenbelt Road accounting for 170 of those. Residents, who received a speed camera ticket on one of the days the school was closed due to snow, are asked to contact the police department so their tickets can be canceled.

Chief Antolik announced that April 25 will be a zero tolerance day for traffic enforcement. Any traffic violation will be fined and no warnings given. With the warmer weather arriving, the police will also be equipped with noise meters to enforce the Town's noise ordinance, particularly on weekends. In response to MPT Wilkinson, Chief Antolik advised that drivers who tried to renew a registration with the MVA online but did not get the stickers issued in time, should put a receipt of payment in their rear window.

Public Works: MPT Wilkinson reported that the Town just received notice that it has an easement agreement in principle with the Berwyn Presbyterian Church regarding the Safe Routes to School grant. TA Murphy said that the Town Attorney is reviewing it to make sure all requirements are met. MPT Wilkinson reported that Public Works has focused on tidying up the utility cables that often hang from poles and is taking inventory of pot holes around the Town. The street sweeper is in Town this week and residents are requested to move their cars off the street. Residents are also reminded that plastic yard waste bags are no longer accepted. All yard waste must be placed in brown paper yard waste bags, or so-designated trash containers. Saturday is Town cleanup day, but residents are encouraged to pick up litter that blows around their neighborhood any time.

6. Committee Reports

Neighborhood Watch/Emergency Preparedness: Mike Attick announced that on Friday a wine tasting will be held at the Town Center as a fund raiser for the Berwyn Heights CERT team. A \$5 donation is requested at the door. On Berwyn Heights Day, the NW/EP will have the emergency trailer on display and everyone is welcome to have a look at it. The next meeting will be held May 7.

7. Unfinished Business

There was none.

8. New Business

Ordinance No. 165 - 1st Reading and Introduction of FY 2015 Town Budget: Clerk Harper read the adopting language of the Ordinance. MPT Wilkinson moved to introduce it. CM Dennison seconded. Mayor Calvo said that this is a solid budget. He is not enthusiastic about raising the tax rate, but it is needed as the Town is still absorbing a 17% decline in real property tax revenues from the January 2013 reassessment. The Council hopes that the revenue picture will improve with the 2016 reassessment. This budget again budgets \$50,000 from surplus for operating expenses, as was done this year, but in the end may not have to be used.

Unlike the operating budget, the capital budget has become easier to manage after years of building up reserves to finance the regular replacement of Public Works and police vehicles. Due to prudent fiscal management, the surplus has grown from \$500,000 to \$700,000 over the last decade, and he feels comfortable taking on the sidewalks project this fall, especially with Greenbelt Station money beginning to come in. He thinks that there will be enough money in the reserves and the surplus to do a major road project within a few years, as well as making other investments that add value to the Town. With no other comments, the Council voted 5 to 0 to introduce the FY 2015 budget.

Ordinance No. 166 - 1st Reading and Introduction of FY 2015 Public Safety Taxing District: On a motion by MPT Wilkinson and second by CM Dennison, the reading of the Ordinance was

suspended. MPT Wilkinson moved to introduce Ordinance No. 166. CM Dennison seconded. Mayor Calvo said that the Public Safety Taxing District raises \$72,000 in the FY 2015 budget through a 10 cents real property tax rate and a 15 cents personal property tax rate levied on the commercial district. This money funds one police officer, which happens to be Detective Unger. With no other comments, the FY 2015 PSTD budget was introduced in a 5 to 0 vote.

Ordinance No. 121 - 1st Reading & Introduction of Executive Powers & Duties Ordinance:

Clerk Harper read a summary of the Ordinance. CM Almoguera moved to introduce it. CM Dennison seconded. CM Almoguera said that this Ordinance does not fundamentally change the structure of Town government but rather improves the efficiency of communication. She believes that this is something everyone can support. CM Kulpa-Eddy respectfully disagreed. She thinks the Ordinance does make significant changes to the government's structure but this is not necessarily a bad thing. The Council will work through it and do the best it can for the Town. With no further comments, the Ordinance was introduced in a 5 to 0 vote.

Ordinance No. 108 - 1st Reading & Introduction of Council Compensation Amendment:

Clerk Harper read a summary of the Ordinance. MPT moved to introduce it. CM Dennison seconded. MPT Wilkinson commented that the increase in the compensation is needed and overdue as Berwyn Heights has one of the lowest stipends in Prince George's County. Serving on the Town Council takes a lot of time and thought and has a real impact on one's life. While there are important non-monetary rewards associated with the job, monetary compensation is part of the package. He happily supports the raise for those who will serve after him.

CM Almoguera commented that there have been months during her term when she paid to sit at the Council table. Although it has been her pleasure to be part of the Council it may be an issue for a family that has only one income. It is good to know that in the future the stipend will be sufficient to pay for a babysitter or other costs associated with serving on the Council. With no further comments, the Council voted 5 to 0 to introduce the Ordinance.

9. Citizens Discussion

Mike Attick sought clarification on how much money has been collected from speed camera citations. TA Murphy said it is shown in the public safety reserve fund, which now stands at \$196,000. Mr. Attick also asked how a citizen can learn how much money comes in from the Greenbelt Station development. Mayor Calvo said that it will be announced at meetings, and reported in the minutes. However, it is probably a good idea to tally it on the treasurer's report.

The meeting was adjourned at 9:30 p.m.

Signed: *Kerstin Harper, Town Clerk*