



# Town of Berwyn Heights

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## Minutes Town Meeting October 12, 2016

The meeting was called to order at 8:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, Chris Rasmussen, and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, Chief of Police Kenneth Antolik, Officers Krouse and Ramirez, Treasurer Michelle Rodriguez, Clerk Kerstin Harper and citizens.

Mayor Jewitt led the Pledge of Allegiance.

### 1. Minutes

Clerk Harper read a summary of the September 14 Town meeting minutes. On a motion by CM Dennison and second by CM Shields, the minutes were approved 5 to 0.

### 2. Treasurer's Report

Treasurer Rodriguez gave the Treasurer's report for the month of September. In response to MPT Kulpa-Eddy, she explained that the general fund checking account for this fiscal year shows a decline because the money for various reserves was moved into separate accounts.

### 3. Mayor's Report

Mayor Jewitt reported that she will attend the Maryland Municipal League (MML) fall conference with CM Shields to work toward her local governance certificate. All Councilmembers and senior staff participated in a strategic planning workshop at the University of Maryland on October 10. A debriefing is on the agenda for the next worksession.

Mayor Jewitt announced she requested that some changes be made to the Town meeting. Starting with the November Town meeting, TA Cowles will sit on the dais with the Town Council and report for the Administration Department. Treasurer Rodriguez will give the Treasurer's report from the podium. Department directors will be asked to give reports for their departments in person. Later, a conference phone will be installed in the chambers so that residents can call in with questions and comments. An earlier start time for the Town meeting is also being considered.

Mayor Jewitt yielded some of her time to TA Cowles to make an announcement. TA Cowles said that she learned today that WSSC has agreed to repave all streets that were dug up for the water main replacement project in their entirety at no expense to the Town. This will save the

Town around \$200,000. She and Interim Public Works Director Kenny Hall repeatedly discussed the street repaving with WSSC, but until now WSSC intended to repave only that half of a street where the water mains were replaced. Construction will begin at the end of this year or early next year.

#### **4. Department Reports**

**Administration:** MPT Kulpa-Eddy said that street repairs beyond those to be repaved by WSSC will occupy a significant amount of time of the Town Council and staff in the near future, and will require a communications effort to keep residents well informed. The strategic planning workshop attended by Council and senior staff sought to identify a vision and long-range goals for the Town government, and will be followed up upon with a half day workshop in November. The Administration Department was working on drafting a new employee handbook that is to be adopted later in the meeting.

MPT Kulpa-Eddy continued that the general election is coming up on November 8 with polls open from 7 am to 8 pm. Voting takes place at the BHES cafeteria. The U.S. President, U.S. Senator and U.S. Representatives are on the ballot, as are State and County referenda. Among the County ballot questions is a constitutional amendment that would change the composition of the County Council by adding 2 at-large seats for a total of 11 seats. Sitting County Councilmembers elected to represent a single district would be eligible to run for an at-large seat, in effect extending term limits by 2 terms.

MPT Kulpa-Eddy said that the Prince George's Planning Department has released Module 3 in the ongoing rewrite of the County's 50-year old zoning ordinance. Module 3 deals with zoning processes and subdivision regulations. One aspect of Module 3 is granting developers the right to build a new development within the new zoning framework without having to get approval from the municipality, excepting an initial neighborhood meeting. Municipalities have expressed concern that their role in the development approval process is not clear.

Module 2 defines design standards for each zone. It has a section on Neighborhood Compatibility Standards to ensure that a transition area is maintained between a residential neighborhood and any commercial zone. Berwyn Heights will closely examine whether those standards, ranging from building heights and setbacks to exterior lighting, are adequate for Berwyn Heights residents.

Module 1 defines the permitted uses in each zone, which largely overlap with current zones and uses. One new use that will be allowed by right is the addition of a secondary or accessory dwelling on an existing property. Any residents wishing to comment on Module 3 or other aspects of the draft zoning ordinance may send them to TA Cowles, so that they can be added to a letter being drafted in which the Town will lay out its position.

Lastly, WMATA will hold a public hearing on October 20, 12:00 noon– 9:00 p.m. at its downtown headquarters regarding restricted operating hours for the Metro system to make needed repairs to its infrastructure.

**Code Compliance:** CM Rasmussen said that Pepco's contractor Asplundh is in Town pruning and removing trees in accordance with a removal plan approved by the Town. He thanked TA Cowles and the Public Works Department for working with Pepco, SavATree and the

Councilmembers to produce an acceptable tree removal plan. Thanks to their efforts, tree removals were reduced from about 80 to about 60 mature trees. He also thanked the Green Team for composing a letter that was published in the Bulletin to notify presidents that they can deny tree Pepco removals on their property. He estimates that another couple of dozen trees were saved as a result. He regards this as an object lesson in working together to achieve a result all parties can accept.

Next, the Code Compliance Department will focus on *Ordinance 120 – Rental Housing*. The Ordinance needs to be revised to bring it into compliance with the most recent federal and state regulations. Code Supervisor Glass and TA Cowles have been working on a draft that the Council plans to discuss at the next worksession.

***Parks and Recreation, Education and Civic Affairs:*** CM Shields reported that he contacted the chairs of every Town organization to introduce himself and learn about their concerns. He also had a citizen request that Councilmembers speak clearly into their microphones because it is sometimes difficult to hear what is being said.

***Public Health and Safety:*** Chief Antolik announced that the police department received a \$2,000 grant towards the purchase of body cameras. He then gave the police activities report. There were 13 Part I offenses, 11 of which were thefts from cars. The police are investigating a suspect. The 5-year average for September is 8. Year-to-date, Part I offenses total 48, as opposed to the 5-year average of 49.6. The police issued 183 state and municipal citations and 88 speed camera tickets, 8 on Pontiac Street.

Officer Ramirez announced that the Police will again be participating in Trunk or Treat on October 15, a safe alternative to Trick-or-Treating for younger children. Residents are encouraged to participate and bring a decorated car. The Police and NW/EP will again have all hands on deck for patrolling the streets on October 31, Halloween night. Trick-or-treat hours are 6 – 9 pm. Homeowners who do not want to participate should turn their lights off. Residents are asked to drive carefully. No warnings will be given for traffic violations. Officer Ramirez concluded with a list of safety tips for trick-or-treaters.

***Public Works:*** CM Dennison reported that the Public Works Department has hired Tracy Jones as a part-time administrative assistant. In the next weeks, the DPW crew will perform landscaping work around the Town Center while continuing regular trash collection and maintenance work.

## **5. Committee Reports**

***Education Advisory Committee:*** No report.

***Green Team:*** Diana Agonoy, Cunningham Drive, reported that the Green Team hosted their 3<sup>rd</sup> annual community garden party in September. She then presented a certificate of appreciation to Mayor Jewitt, for the Town's continued support of the community garden. Public Works helps with all types of maintenance chores. The Green Team is working on its *Sustainable Maryland Certified* re-certification due in June 2017. The next meeting is on October 20 at 7:00 p.m.

***Historical Committee:*** Town Clerk and BHHC Chair Harper reported that the Committee held elections at its last meeting. She was re-elected chair, Debby Steele-Snyder Vice Chair, and

Richard Ahrens Secretary. Several members attended the opening reception of the Anacostia Trails Heritage Center in Hyattsville last week, Mayor Jewitt and many other elected officials were present. The BHHC will hold its fall reception on November 13, 2:00 p.m. There will be a showing of a highlights reel of oral histories and a display of photo albums. Attendees will be asked to contribute information about the organizations, events and people shown in the albums, as well as bring their own photos of earlier times that can be scanned at the event. In response to MPT Kulpa-Eddy, Ms. Harper said that Berwyn Heights and other big donors to the Heritage Center will be honored with a plaque.

***Neighborhood Watch/Emergency Preparedness:*** NW/EP Co-chair Mike Attick reported that the NW/EP committee is seeking new volunteers and new trainees for the Town's CERT team. It is the goal to train as many residents as possible to be prepared for an emergency. The next CERT training class will be held on November 4 – 5, 8 a.m. – 2:00 p.m. To enroll, residents should contact Mr. Attick at [mikeattick@verizon.net](mailto:mikeattick@verizon.net). The next meeting will be held on November 3.

***Recreation Council:*** Diana Agonoy, Cunningham Drive, reported for the Recreation Council. She said the Recreation Council also needs new volunteers to help with organizing events. For Trunk-or-Treat, Recreation Council members will decorate, serve refreshments and award prizes for best decorated cars and best costumes. On November 12, 10:00 a.m., the Recreation Council and the Green Team will hold a Town-wide cleanup. Meeting point is the Town Center. Participants will be provided instructions and equipment and served a free lunch.

## **6. Unfinished Business**

There was none.

## **7. New Business**

***Resolution 03-2016 – Adoption of Employee Handbook:*** TA Cowles said that a new employee handbook was drafted over the last couple of months with the assistance of McGrath Consultants and extensive input from senior staff. The Council has also offered comments over the last week, and all issues have been resolved, except the appeals process for disciplinary action.

MPT Kulpa-Eddy explained her concerns with the disciplinary process outlined on page 48 of the employee handbook. Here it is stated that, although both the Town and the employees can terminate employment at will, the Town may use progressive discipline to correct unsatisfactory behavior in the workplace, which ranges from verbal warnings for minor issues to suspension and ultimately termination for severe and repeated offenses, at the discretion of the Town Administrator.

MPT Kulpa-Eddy said, when the Council adopted *Ordinance 121 – Executive Powers & Duties*, it intended to delegate day-to-day management of the departments to the Town Administrator and the directors but retain the Council as the Chief Executive Officers (CEO) with ultimate authority for hiring and firing. She would therefore propose adding a provision that allows any employee to appeal a serious disciplinary action, such as suspension without pay or termination, to the Town Council, while leaving minor infractions for the Town Administrator and directors to resolve.

CM Rasmussen said that he disagrees in principle with MPT Kulpa-Eddy's proposal. He thinks establishing a secondary appeal that allows employees disciplined by the Town Administrator to appeal that decision to the Town Council may put the Town Council at odds with the Town Administrator by second guessing or overturning her decision. Instead, he would suggest that, in cases where an employee is appealing a serious disciplinary action, the Town Administrator advise and consult with the Town Council in advance of a disciplinary action. He further believes that Ordinance 121 sets the Town Administrator up as the Chief Administrative Officer (CAO) to manage day-to-day operation, which includes most staffing decisions.

Mayor Jewitt said she agrees with CM Rasmussen to leave the language in the handbook as is. Employees reporting to department directors should be able to appeal the decision to the Town Administrator, but that that decision should be final. The Town Administrator would remain free to consult with the Town Council or the Town Attorney regarding a difficult decision.

MPT Kulpa-Eddy said that Section 10 N of Ordinance 121 gives all employees, regardless of rank, the right to appeal disciplinary actions or other matters to the Town Council. If this Town Council disagrees with the policy adopted by a previous Town Council, it should amend the Ordinance. Otherwise, the Town would open itself up to law suits. Having participated in the writing of Ordinance 121 and in disciplinary appeals, she is certain that this is what the previous Council intended and what employees took it mean.

After further discussion, the Council agreed to adopt the language of Ordinance 121 into the employee handbook, reading in part: "...When an employee is appealing a department director's disciplinary action, the decision of the Town Administrator may be appealed to the Town Council. When an employee is appealing the Town Administrator's disciplinary action, the decision of the Town Council is final." Having been moved and seconded, the motion passed 5 to 0.

Clerk Harper read Resolution 03-2016 adopting the employee handbook. CM Dennison moved the Resolution. MPT Kulpa-Eddy seconded. The motion passed 5 to 0.

## **8. Citizens Discussion**

Mike Attick, 62<sup>nd</sup> Avenue, asked how much money the Town has received so far to compensate it for the impacts of the Greenbelt Station development. TA Cowles said the Town has received around \$400,000 of \$1,000,000, some of which was used for sidewalks construction. The money is disbursed when new permits for the development are pulled.

Mr. Attick asked whether the employees will be able to review the employee handbook before it is published. TA Cowles said they have been given copies and will have a chance to discuss it during an upcoming training session, where changes in the job descriptions and performance evaluations will also be discussed. Mr. Attick said he thinks the Town Council should always have the final say in any matter, whether it be employees, money, or equipment because Councilmembers are the guardians of the Town. CM Shields asked whether Mr. Attick supports the changes to the handbook made tonight. Mr. Attick said he did. He further noted that the street sweeper came a week later than announced in the Bulletin.

Eddy Daffron, Seminole Street, said that there are some places in Town where street lights should be added.

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

Signed: *Kerstin Harper, Town Clerk*