



Town of Berwyn Heights

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Minutes Town Meeting November 9, 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, Code Compliance Supervisor Freddie Glass, Public Works Director Stevie Cox, Treasurer Michelle Rodriguez, and Clerk Kerstin Harper, as well as Pepco Vice President for Government Affairs Jerry Pasternak, Pepco Senior Staff Forrester Dan Landry, State Highway Administration (SHA) District 3 Utility Engineer Joe Nesbitt, and citizens.

Mayor Jewitt led the Pledge of Allegiance.

1. Minutes

Clerk Harper read a summary of the October 12, 2016 Town meeting minutes. On a motion by CM Dennison and second by CM Rasmussen, the minutes were approved 5 to 0.

2. Mayor's Report

Mayor Jewitt wished all a happy Veteran's Day, and appreciated the veterans for their service. She announced that the directors are present tonight to deliver their monthly reports. This is an opportunity for residents and the Council to hear from the directors in person and to ask them any questions. The Council recently approved a 3% COLA for all employees as a step to moving Town salaries closer to the prevailing market rate. Pepco, SHA and DNR representatives are present tonight to discuss the tree removals on Edmonston Road, and respond to residents who have protested the removals as excessive and having a negative impact on their quality of life. Lastly, she thanked TA Cowles and Administrative Assistant Yvonne Odoi for their work on upgrading the Town's telephone system, to include a conference phone that will allow residents to call in during Town meetings.

3. Town Administrator Report

TA Cowles said that the directors appreciate the opportunity to report and explain what happens in their departments on a daily basis. She also highlighted the accomplishments of the Administration Department, which includes a number of human resources achievements. With the help of a consultant, the Administration Department produced a new employee handbook that addresses new workplace issues, such as email and social media, and trained employees on its content. The Department developed a new pay plan for FY17 that takes into account the

findings of the consultant's compensation study and led the Council to make adjustments in employee salaries.

TA Cowles said the Council and staff participated in a strategic planning exercise organized by consultants from the University of Maryland to set some long-term goals for the Town that will inform future budgets. The Town will seek feedback from residents via surveys to be published in the Bulletin and on the Town website.

4. Treasurer's Report

Treasurer Rodriguez gave the Treasurer's report for the month of October.

5. Department Reports

Administration: MPT Kulpa-Eddy reported that the Council in October attended a Four Cities Coalition meeting in Greenbelt. Improving coordination with the Department of Permits, Inspections & Enforcement (DPIE) on the issuance and enforcement of permits was discussed, as was a free dental clinic through the University of Maryland, and Module 3 of the Prince George's County zoning rewrite. The Four Cities agreed to write a letter to express concern that the role of municipalities in the development review process as outlined in Module 3 is not clear and should be rethought.

MPT Kulpa-Eddy said she attended a legislative listening session held by County Executive Baker that served as forum for residents to express concerns and ask questions about the County's departments and of the County's legislative delegations to the General Assembly. Among the issues mentioned were once-a-week trash collection, paper yard waste bags, snow removal and the minimum wage. The County departments were promoting the Click311 system for requesting County services, and a new mobile app. Lastly, MPT Kulpa-Eddy announced that Councilwoman Dannielle Glaros will hold a lunch & resource fair for seniors on November 22.

Mayor Jewitt announced executive sessions that were held since she became Mayor on July 18, Aug. 18, Sep. 19, Oct. 19, and Nov. 7, 2016.

Code Compliance: Code Compliance Supervisor Glass gave a summary of code violations for the month of October. In coming weeks, the Department will focus on cleaning up the commercial properties along Ballew Avenue and ensure that they have the proper business licenses and address identification. In response to CM Rasmussen, Mr. Glass said that the Town is considering using the call-a-bus to transport BHES students to Joe's Movement Emporium in Mount Rainier. TA Cowles added the Town asked that Joe's Movement Emporium expand its program to include BHES before committing to using the call-a-bus.

CM Rasmussen reported that the Council began to discuss the amendments to Ordinance 120 – Rental Housing, drafted by TA Cowles, Supervisor Glass and himself. It was agreed to first address a few major conceptual issues before diving into a line-by-line review. Those include:

- Whether to exclude from enforcement matters concerning landlord-tenant relations, which are regulated by State and County law and resolved by district courts;
- Which forms to require as part of a rental license application;

- Whether to adopt the Prince George's County housing code, specifying structural, plumbing and electrical requirements for rental homes, which would obviate the need to maintain and update the Town's housing code;
- Whether to require a rental license for all types of rentals, including rooms rented to family members and short-term rentals;
- Whether to continue to grant the right to home owners within 500' of a rental property to petition the Council about code violations at the rental; and
- Clarify tenants' rights and responsibilities.

CM Rasmussen said, depending on the decisions reached on the above issues and progress made by the Council in reviewing the entire Ordinance 120, it could be introduced at the December or January Town meeting.

Parks and Recreation, Education and Civic Affairs: CM Shields reported that the Boys & Girls Club is discussing the non-permitted use of the ball fields. The Education Advisory Committee (EAC) is working with the school system on timely bussing of students and is discussing its role in reviewing educational grant requests for the Town. WTOP covered the protests of the Edmonston Road tree removals in a November 3 special report. On December 3, 6:00 p.m., the Town will hold its annual tree lighting ceremony. All are invited.

Public Works: Director Cox reported that SHA has signed off on the Safe Routes to School sidewalks in the 8900 block of 63rd Avenue, which are 100% complete. Luis Cardenas was selected from 129 applicants as the new Public Works Chief of Operations. The Department is advertising vacancies for a full-time and a part-time crewman position, which it hopes to fill in December. He is in the process of conducting a survey and obtaining estimates for a new security system, which he will present to the Council in January. The Public Works crew is preparing for the upcoming snow season. Residents may see them practicing driving the trucks with plows attached in a dry run. The Town earned a safety award from the Chesapeake Employers' Insurance Company for missing no work days due to safety related incidents.

Public Health and Safety: Chief Antolik reported that Halloween went well. The Police distributed around 600 glow necklaces to trick-or-treaters. He thanked NW/EP for helping patrol the streets. He then gave the police activities report. There were 11 Part I offenses, considerably higher than the 5-year average of 5.4. The year to date total is 59, as opposed to the 5-year average of 55. The Police issued approximately 150 state and municipal citations and 107 speed camera citations, 8 on Pontiac Street. Chief Antolik concluded with safety tips for the upcoming Thanksgiving holidays. In response to CM Shields, Chief Antolik said that Berwyn Heights' crime rate is one of the lowest in the County.

6. Q & A with Pepco and SHA

Pepco's Vice President for Government Affairs Jerry Pasternak gave some background on Pepco's vegetation management program. In 2011 the Maryland Assembly passed legislation to improve the service reliability of the power grid. Subsequently, the Maryland Public Service Commission (PSC) enacted a number of regulations (Rule 43) that mandate certain clearances around the power lines. Pursuant to these regulations, Pepco annually inspects its power lines to take note where trees have grown too close to the power lines and then drafts plans for tree pruning and removals based on the inventory.

Mr. Pasternak continued that Pepco hires different contractors for planning the tree work and carrying out the pruning and removals to avoid potential conflicts of interest. Once a plan for pruning and removals has been drafted, Pepco reviews the plan internally and then obtains approvals of the plan from municipalities, counties, SHA or other jurisdictions owning the property on which trees grow. Next, DNR has to review and approve the plan. If a tree grows on private property, Pepco must obtain written permission from the owner for any proposed tree work.

SHA District 3 Utility Engineer John Nesbitt said that he issues the SHA permits for Pepco's tree pruning and removals. This is a blanket permit that gives Pepco latitude to remove trees deemed to be a risk to the power lines. The permit must then be reviewed by DNR's State Forester, who will decide whether a tree needs to be pruned, or removed and replaced in kind.

In the ensuing discussion, councilmembers and residents asked the following questions, and made the following comments:

- Berwyn Heights should have been notified of the removal of a large number of trees in the SHA right of way on Edmonston Road because it is a stakeholder in that property.
- Pepco's letters of notification of upcoming vegetation management work are too generic for anyone to know if their property will be affected. Pepco reply: The generic letter is the opening communication to residents. With several hundred thousand customers, it is not practical to send out location specific notices to residents, but any resident can call to get more specific information. In addition, any private properties impacted by the tree trimming plans will be contacted with specific information.
- Are private property owners under any obligation to consent to tree pruning or removals outlined in a plan? Pepco reply: No. However, written permission from the property owner is required to remove any private tree.
- What is Pepco's plan for replanting the Edmonston Road buffer? Pepco Senior Staff Forester reply: replanting will be on a 1 to 1 ratio with utility-compatible trees that at most reach 35' – 40' at maturity. Replanting will also include trees from an earlier replanting that have died. Pepco will work with the Town on species selection.
- What size trees will be used for replanting? Pepco reply: trees planted are usually 2 ½" caliper and 6' – 7' tall, which conforms to County standards. Size may vary according to species.
- What is the timeline for replanting? Pepco reply: Probably spring 2017 as there may not be enough time to develop a replanting plan with input from residents and plant the trees before frost sets in this year.
- Will brush and vines be removed before planting to give saplings a better chance to grow? Pepco/ SHA response: Maybe. Brush will be removed based on replanting plan submitted to and approved by SHA's Environmental Department. Approval may take a couple of months.
- Will the trees be cared for after planting to ensure their survival? Trees have a one-year warranty and will be replaced if they die. SHA's Environment Department will be responsible for maintaining the area, including removal of invasive species. The Environment Department will serve as contact to coordinate maintenance activities with residents.
- What is the replanted tree survival rate? Pepco Forester reply: Between 70% - 80%.

- Removal of many mature trees on Edmonston Road was an unwelcome surprise because they were not part of the tree pruning and removal plan approved and publicized by the Town. Edmonston Road's eastern right of way is unusual because it is not within the Town's boundaries and belongs to SHA. Nonetheless, trees growing there filter noise and pollution from Kenilworth Avenue, and are important to the quality of life for the homes facing the buffer. Replanted trees should include native species and be planted in a staggered pattern to improve the buffer effect.
- Would Pepco consider planting more trees than were taken down to grow a more robust buffer? Pepco reply: Pepco is not required to replant any trees but chooses to replace trees on a 1 to 1 basis. Generally, Pepco will not replant on a 2 to 1 or greater ratio. If the Town were to purchase additional trees, they would be included in the replanting.
- Does Pepco have a program to support the replanting of trees? Pepco reply: Yes, Pepco gives away small trees for free twice a year through the Arbor Day Foundation. Customers will need to sign up for the program. Pepco does not perform stump grinding.
- Why was the Town Council and staff not allowed to see plans for tree removals in the SHA right-of-way? Residents lose their best advocates if the Council is not informed. Pepco reply: Berwyn Heights' Town Council was not informed in this case, but has been an effective advocate for its residents via-a-vis Pepco. Tonight's meeting will serve as a learning experience and inform Pepco's future outreach efforts.
- Are there any plans to change RM 43 to give special consideration to forest buffers, such as the one along Kenilworth Avenue? SHA reply: The buffer issue should be brought to the attention of the Public Service Commission (PSC), which issued RM 43. Their focus is on system reliability and the value of buffer zones was not considered when vegetation management standards were formulated. State legislators can also be approached to review this rule.
- Is the history of actual outages considered when Pepco drafts a vegetation management plan? Pepco reply: No. Pepco manages vegetation around its power lines in accordance with a four-year plan; however, RM 43 was adopted because of the frequency of large-scale outages.
- The set of standards for vegetation management adopted by the PSC in response to the large scale power outages of 2010 and 2012 were perhaps an over-reaction to actual risks posed by trees. If citizens agree that the value of trees outweighs the risk of power outages, they should work with the PSC to change the regulations. Other steps to protect trees can include informing residents of their right to refuse tree removals and the option to prune instead. Then the focus should move to replanting trees and proper maintenance to ensure their survival. WSSC's Indian Creek trail restoration work can serve as a laudable example of restoring a landscape after servicing of infrastructure.
- Is there enough space in the buffer area to replant canopy trees? Pepco Forester reply: There are still a good number of canopy trees standing. Generally, he prefers not to plant trees that will at any point encroach on the power lines, but it can be considered on a case by case basis.
- Is Pepco done with this round of vegetation management in Berwyn Heights? Pepco Forester reply: Yes, with the exception of a 34 KV sub-transmission feeder bisecting the Town that will be serviced in 2018. Clearances are maintained for the highest voltage lines on a pole. The Edmonston Road feeder has two 13 KV lines.

- Would Pepco consider installing a highway-type sound barrier until trees have grown back? SHA reply: This would depend on the results of a study that would be required before an installation. SHA District 3 Engineer Brian Young is the contact for such an inquiry.
- Pepco, SHA and DNR have done their job. Residents should remember that trees will grow back, but people may die due to power outages.
- The community appreciates the patience with which Pepco and SHA have responded, but people on Edmonston Road are grieving the loss of trees that have been there for many years.

Mayor Jewitt thanked everyone for coming to the meeting. She is looking forward to better and regular communication about this issue and other issues of concern. She would like to hear from citizens how the Town can improve its public outreach.

7. Committee Reports

Education Advisory Committee: No report.

Green Team: CM Shields announced that the Green Team will hold a Town-wide cleanup on November 12. Tools and snacks will be provided.

Historical Committee: Clerk Harper announced the November 13 BHHC fall reception featuring the premiere of an oral history highlights video.

Neighborhood Watch/Emergency Preparedness: Co-chair of the NW/EP Mike Attick announced that meetings are held on the first Wednesday of every month. All are invited to attend. A CERT training class is scheduled for the 1st weekend of February. To gauge interest in emergency training, this issue might be included in the survey CM Shields plans to put together.

Recreation Council: CM Shields reported that he is looking into the requirements for Berwyn Heights to become an MML Banner City. He will present the information to the Town Council in the near future so the Council can make a decision about moving forward.

8. Unfinished Business

There was none.

9. New Business

There was none.

10. Citizens Discussion

Former Councilmember James Wilkinson, Pontiac Street, congratulated the Council on a productive meeting tonight and on a number of recent accomplishments: a 3% pay raise for employees, a new employee handbook, and the completion of the Safe Routes to School sidewalks, which he initiated 4 years ago. Berwyn Heights middle schoolers, including his children, use it all the time.

He asked for clarification on plans to build new middle schools in northern Prince George's County, which would alleviate overcrowding at Greenbelt Middle School and allow Berwyn

Heights 6th graders to move to the middle school. MPT Kulpa-Eddy said that the Council sent a letter of support for 2 new middle schools proposed in the PGCPs FY 2018-2023 CIP.

Mr. Wilkinson also passed along comments about the G. Love Room being too cold for meetings, and recommended that a sign asking drivers to slow down for Halloween trick-or-treaters should be posted at the entrance of the Town at BHES.

Green Team Coordinator Amanda Dewey, Quebec Place, thanked the Council and TA Cowles for their work on the Edmonston Road tree removals. She raised the issue of proper care for domestic animals in Town and suggested the Council may want to review Ordinance 101 – Animals.

Therese Forbes, Cunningham Drive, asked if there are any further developments on bee keeping regulations in connection with the PGC zoning rewrite. MPT Kulpa-Eddy said that County Councilmember Glaros is writing legislation that would exclude bee keeping from the definition of agricultural use. The proposed new land use regulations prohibit agricultural uses in residential zones. Ms. Forbes asked if Councilmember Glaros would be the right person to contact about changing RM 43. MPT Kulpa-Eddy said that State legislators would ultimately make a decision on that matter.

Laura Knutson, Edmonston Road, asked about the process for giving input on Pepco's tree replanting plan. TA Cowles informed that the Town expects to receive a draft plan in mid-December, which it will post to the Town's website. Then residents will be given a period of time to comment on the plan. Those comments will be taken into account by Pepco and SHA in drafting the final plan.

The meeting was adjourned at 10:02 p.m.

Signed: *Kerstin Harper, Town Clerk*