



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

MAYOR
Lynn White

COUNCIL MEMBERS
Stephen Isler (Mayor Pro Temp)
Jason Papanikolas
Ethan Sweep
Vacancy

Minutes Town Meeting July 11, 2018

The meeting was called to order at 7:02 p.m. Present were Mayor Christopher Rasmussen, Mayor Pro Tem (MPT) Lynn White, Councilmembers (CMs), Stephen Isler, Jason Papanikolas and Ethan Sweep. Also present were Interim Town Administrator (TA) Mike McLaughlin, Chief Kenneth Antolik, Clerk Kerstin Harper, Treasurer Michelle Rodriguez, Public Works Director Kenneth Hall, Code Compliance Supervisor Freddie Glass and citizens.

Mayor Rasmussen led the Pledge of Allegiance.

1. Mayor's Report

Mayor Rasmussen announced his resignation from the Town Council, effective July 16. He has accepted an offer to become the Director of Academic Affairs at the Colorado Department for Higher Education. He is sorry to leave Berwyn Heights but believes the new Council is off to a good start. The transition will begin with a special session following the July 16 worksession, at which Mayor Pro Tem White will step up to become the next Mayor, the new Mayor Pro Tem will be selected, and the process for filling the vacancy will be determined.

Concurrently, the Town Manager search is moving forward, with candidate interviews scheduled for July 20-21. The process is similar to the previous Town Manager search in that candidates will be interviewed by a staff and a citizen panel, as well as the Town Council.

2. Minutes

Clerk Harper read a summary of the June 20 Town meeting minutes. On a motion by CM Isler, seconded by CM Sweep, the minutes were approved 5 to 0.

3. Department Reports

Treasurer's Report: Treasurer Rodriguez gave the treasurer's report for June. It includes a preliminary year-end financial report. An overpayment of liens by Prince George's County of \$23,400 has been paid back. An income tax payment of \$77,600 for April and May was received. Outstanding income tax receipts will be credited to FY 2018 when received.

Administrator's Report: TA McLaughlin reported during the month of June he helped the Council prepare for a code appeal hearing, reviewed WSSC plans for replacing water mains on Edmonston Road, reviewed year-end expenses to ensure that no budget amendments are needed; monitored the

road repair bond issuance process, and attended the MML convention. For the coming month, he anticipates spending time preparing for the visit of Town Manager candidates, providing support for the Quality of Life Commission, and finalizing a Town organization policy.

Code Compliance: Code Compliance Supervisor Glass gave the code activities report for June. The Department issued 28 Clean Lot Ordinance violations and 3 Commercial Clean Lot violations, as well as 3 building permits, 6 dumpster permits and 2 portable storage unit permits. The Town currently has 213 rental properties, where it performed 27 inspections and 12 re-inspections, and issued 16 rental licenses. Code staff also removed 31 signs posted along Town and County roads.

Parks, Recreation, Education & Civic Affairs: CM Isler congratulated Mayor Rasmussen on his new job and thanked him for his leadership in getting the new Councilmembers oriented. He attended the first meeting of the Quality of Life Commission, which was very well attended and after some discussion identified a set of concerns it will investigate further. Thanks go to Meg Shane, who was elected as chair and led a productive meeting.

CM Isler announced an August 12 rock concert with the “Woo Yeahs” and said that the Recreation Council is working with the director of the Community Center to bring some new events to the Town. For September, an event around classic street games is planned and on November 2 a trivia night. Director Jackson would like to encourage residents to participate in the many activities happening at the Community Center.

Administration Report (discussed out of order): MPT White announced she will switch to heading the Police Department upon becoming Mayor, and CM Isler has agreed to move to Administration. She noted that Councilmembers may no longer function as department heads if a true Town Manager system of government is implemented. Further, she looks forward to working with the Quality of Life Commission. At its first meeting, Meg Miller Shane was elected as chair and a list of topics were identified for further study. The list to a large extent overlaps with Council priorities.

Public Works: Director Hall reported Public Works re-measured and marked curbs and sidewalks that are on the replacement list. They also repainted bikeway markings, painted curbs yellow where no parking is allowed, made minor repairs at the Town Hall, and installed the remainder of 10 new pet waste stations. In the coming month, Public Works plans to catch up on grass cutting, finish installing crosswalks and move 2 handicapped parking spaces closer to the Senior Center entrance.

Further, Director Hall said he discussed locations for 2 electric charging stations at the Town Center with TA McLaughlin. The Town received a \$20,000 grant to purchase an electric vehicle. He has received notification that Prince George’s County plans to rehabilitate the storm water outfall in the wooded area off Nevada Street at 58th Avenue and will provide details when 100% plans are finished.

Director Hall also gave an update on refuse collected in June: solid waste 66.2 tons; recyclables 19.3 tons, yard waste 17.2 tons and scrap metal 292 pounds. Five refuse violations were issued. Battery and fluorescent bulb recycling bins have been moved to the side of the Town office building.

Public Safety: Chief Antolik congratulated Mayor Rasmussen on his new job and asked a new police intern to introduce himself. David Wolff said he a recently graduated from Catholic University with a BA in Sociology. He is looking forward to this internship to learn about the internal operations of a

Police Department. Chief Antolik reported the BHPD also took on a 14-year old Berwyn Heights resident as a new public safety aide and is embarking on a No-Bullying campaign.

Chief Antolik gave the police activities report for June. There were 2 Part I offenses as opposed to the 5-year average of 4.8. The year to date total is 22, which is lower than the 5-year average of 28.4. In addition, there were 16 incidents of vandalism and one arrest of a white male for having a concealed firearm. Total citations issued numbered 99.

Road repair update: Public Works Director Hall provided an update on the road repair project the Town is nearly ready to start. The Town is planning to piggyback onto a Prince George's County's road contract and is negotiating with 2 contractors. It may be possible for residents to have driveways rebuilt as part of the project, but that would have to be negotiated with the contractor with the Town acting as an intermediary. Usually concrete work gets done first, followed by stripping (milling) the old asphalt and resurfacing with a 2" layer of new asphalt. When the streets have been milled, he inspects them to discover any damage to the sub-base. If sub-base repairs are needed the cost is covered by a contingency fund in the contract.

MPT White asked a number of questions about the project. In response, Director Hall said in January he proposed a plan to the Council to bring the Town's roads up to standard after completing a comprehensive assessment of their condition. The plan calls for a renovation program of 5 phases, with Phase I covering the streets in worst condition, Phase II streets in somewhat better condition, etc. Phase I will be financed from the Town's infrastructure reserve fund and Phase II with a bond issue.

Director Hall said he believes most Town streets have a good sub-base and that it is not necessary to have test drills done to determine their condition. Road projects always cause disruption, but he intends to notify residents of impending construction activity and advise on where to park. No street will be closed in its entirety and residents will have access to their homes. Director Hall further noted that WSSC is in the process drawing up plans to replace water mains in the south-east section of Berwyn Heights. After the pipes are laid, WSSC will resurface the streets that were dug up. This may result in significant savings for the Town's street resurfacing program.

Mayor Rasmussen said that the previous Council did its due diligence in planning for the project and provided funding for the first two phases of street repairs, accounting for approximately 40% of Town streets. This was done for several reasons: 1) economies of scale that result in a lower project price; 2) presence of an experienced Director to oversee the project while working with a County contractor; and 3) a clear public demand for street improvements. The issuance of a bond to cover a part of the project's cost seemed prudent as interest rates are at historic lows and the bond is issued through the Department of Housing & Community Development (DHCD), further containing cost and risk. He believes it would be unwise to reverse course on the bond issue, as this might negatively affect the Town's reputation and result in higher costs for the other municipalities taking part in this bond issue.

MPT White said that most of the Councilmembers and staff who planned the project have left and it will be up to this Council to implement this project and deal with any problems that may arise. She wanted to state her concerns and the concerns residents brought to her attention for the record. She appreciates the work that has been done to date and looks forward to working with Director Hall and staff in bringing the project to a successful conclusion. CM Sweep expressed his confidence in Director Hall's ability to competently manage the project and believes he will do all he can to

minimize inconvenience to residents. CM Isler offered his assistance in getting the information out to residents.

Meg Miller Shane, 57th Avenue, commented she believes that test drills are not necessary and that she supports the project going forward. Mike Attick, 62nd Avenue, commented the Town in recent years had problems with shoddy work by contractors. He hopes the contractors who carry out this project will adhere to the proper standards. He also believes the Town has enough money to service the debt on a bond issue.

4. Committee Reports

Quality of Life Commission: Meg Miller Shane reported that the Commission had its first meeting on July 9, with 13 of its 15 members in attendance, as well as 3 Councilmembers and several interested residents. She herself was elected chair and Angela Wolfinger secretary. Three subcommittees were established to look into different areas of concern: Code/ Rental Housing; Traffic/ Parking/ Street Lights; and Trash/ Beautification/ Sidewalks. The next meeting will be held on August 13.

Education Advisory Committee: No report.

Green Team: Diana Agonoy announced that the Green Team will hold its 2nd Town cleanup on July 21 and is planning a raingarden workshop. The Community garden is doing well thanks to help from the Public Works Department.

Historical Committee: Chair Debby Steele Snyder reported that the Historical Committee continues to work on several long-running projects. Members are working on adding historic sites to an online walking tour and continue to interview residents about their memories of Berwyn Heights. Suggestions of possible interviewees are always welcome. The Committee will participate in National Night Out and will meet again in September, when next year's officers will be elected.

Neighborhood Watch/ Emergency Preparedness: NW/EP Co-Chair Mike Attick announced an upcoming CERT training class on August 11-12. A limited number of spaces are available, so residents should sign up soon. On National Night Out, many NW/EP members will be on vacation and not able to help with the cookout. He hopes volunteers will step in to assist.

Recreation Council: No report.

5. Unfinished Business

Resolution 01-2018 - 2nd Reading & Adoption of Charter Amendment on Town Manager: Mayor Rasmussen explained that the adoption of this Resolution was postponed from the June to the July Town meeting to give more time for public input and discussion. The Resolution would amend the Town Charter to replace the title of Town Administrator with Town Manager and to delete a description of the duties of the Town Manager in Section 706.1, noting that these may be specified in an Ordinance.

At 8:58 p.m., Mayor Rasmussen opened the public hearing. Meg Miller Shane, 57th Avenue, commented in opposition of the Charter Amendment. She said that the change in title signals a shift in power from the Town Council to the Town Manager, which does not benefit the Town. She believes it

is important Councilmembers retain oversight over the Town's departments to enable more direct input of citizens in how departments are run.

Phil Ventura, 57th Avenue, asked why the change in title represents a change in the form of government. Mayor Rasmussen explained the change in title was made for the purpose of recruiting a new Town Administrator/ Manager. The change in the form of government actually occurred in 2014 with the adoption of Ordinance 121, which sets forth the powers and duties of Councilmembers and the Town Administrator/ Manager and assigns responsibility for supervising the daily operations of the Town government to a Town Manager. Mayor Rasmussen said recent Councils have come to believe that the expertise of a professional manager and staff is needed to run today's more complex municipal governments. It is not realistic to assume that part-time, volunteer Councilmembers have the time and expertise to run a department. Instead, they monitor policy issues and act as a liaison.

Mr. Ventura said he thinks this arrangement adds another layer between the citizens and their government. It used to be that residents worked alongside staff in maintaining the Town but were eventually turned away because of insurance reasons. Residents should have a say in how the departments are run since they pay for everything with taxes. Mayor Rasmussen replied that citizens do have a say through the Town Council they elect. The Town Council collectively serves as the Chief Executive Officer and is responsible for hiring and firing the Town Administrator/ Manager, making sure that the person is a good fit for the Town. The Town Council also decides how money is spent by passing an annual budget.

At 9:16 p.m., Mayor Rasmussen closed the hearing. CM Isler commented that he is pleased with residents speaking up tonight and encouraged everyone to continue to share any concerns with the Council. MPT White said this Resolution presents a difficult vote because it ratifies a Town Manager form of government, and further limits the power of the Council. She believes there has been an increase in turnover on the Town Council in recent years because Councilmembers lack authority to do much, while the Town Manager has too much power. CM Papanikolas said part of the issue may be the personality of the Town Manager. As far as the Charter Amendment Resolution is concerned, he thinks it is marginally important to the form of government. If the Council wants to limit the power of the Town Manager, it would have to go back to change Ordinance 121.

CM Sweep said he thinks the Town Administrator/ Manager position is vital to govern the Town effectively. He works 40 hour a week and would not have time to run the Public Works Department. But he can work through the Town Administrator and Public Works Director to help citizens and resolve problems. He moved to adopt Resolution 1-2018. CM Isler seconded. There were further comments from a citizen, Mayor Rasmussen and MPT White on the significance of the change in title and the role of the Council. The Council voted 4 to 1 to approve the Resolution, with MPT White opposed.

5. New Business

Resolution 4-2018 – Adoption of the Priorities of the 48th Council: Mayor Rasmussen said this Council has developed a list of priorities based in large measure on comments they heard on the campaign trail that will guide their work during the coming term. This document is the same the Council agreed to adopt at the last worksession, excepting the addition of completion of Phase I and II of the road repair program as one of the remaining items from the 2016 strategic plan.

CM Isler moved to adopt the Resolution. CM Papanikolas seconded. MPT White said this is an excellent document that aligns with the issues expressed by the Quality of Life Commission at its first meeting. She plans to work with the Commission to get some of these things accomplished. The motion passed 5 to 0.

7. Citizen Comments

Phil Ventura said it was good to have Mr. Rasmussen as Mayor. However, he may be glad to leave as there are so many difficult issues left to resolve from the previous Council.

Meg Miller Shane wished Mayor Rasmussen well in his future endeavors and praised the work of Town Administrator McLaughlin. She hopes that the new Town Manager will be able to maintain the type of relationship with citizens he has developed.

Mike Attick commented via telephone that he sees no reason why the Town should move toward a Town Manager form of government, as the old system has served the Town well. He favors the Council being the stewards of the Town and maintaining a close relationship with the residents.

The meeting was adjourned at 9:41 p.m.

Signed:

Kerstin Harper, Town Clerk