



# Town of Berwyn Heights

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## Worksession Minutes April 4, 2016

The meeting was called to order at 7:00 p.m. Present were Mayor Jodie Kulpa-Eddy, Mayor Pro Tem (MPT) Chris Rasmussen, Councilmembers (CMs) Patricia Dennison, Maria Robles and Lynn White. CM White arrived 10 minutes late. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper and Pepco Vice President for Government Affairs & Public Policy, Jerry Pasternak.

### **1. Mayor**

**Announcements:** None.

**Calendar:** No additions or corrections were made.

**Minutes:** On a motion by CM Dennison and second by CM Robles, the March 14 budget worksession minutes were approved 4 -0-1.

**Department reports:** CM Robles reported that a home in the 8900 block of 60<sup>th</sup> (?) Avenue will be demolished. The owner plans to subdivide the property and build two new homes. CM Dennison announced that the Recreation Council is seeking volunteers for Berwyn Heights Day, which will take place on Saturday, May 7. Mayor Kulpa-Eddy announced that the replacement WMATA pedestrian bridge will be transported to the site using Branchville Road and Ballew Avenue on April 22, to be erected on the weekend of April 23-24. A tree in College Park Estates was toppled by high winds last weekend and caused a brief power outage. County Councilwoman Dannielle Glaros will hold a Town Hall and Resource Fair on April 20 at William Wirt Middle School where representatives from different County agencies will be present to answer questions from citizens.

**Citizen comments:** Mayor Kulpa-Eddy received an email from resident Gerald Shields expressing support for keeping the current tax rates as proposed in the FY 2017 budget. She said that WSSC placed a dumpster in front of her home without notification. It will be used to collect construction debris from the replacement of a lateral sewer pipe.

**Pepco vegetation management plan (discussed out of order):** TA Cowles explained that the Council was provided a packet of maps as background detailing Pepco's proposed tree cutting and pruning plan for the eastern and southern portions of Berwyn Heights for the coming year. Pepco's vegetation management plan is designed to clear each "feeder line," which is a particular portion of its electric grid connecting to an area substation. The last time Pepco began vegetation management, in the fall of 2014, the majority of the planned work was not carried out due to objections from the Town. Any utility planning vegetation management

must have a Town permit in accordance with Ordinance 118. The Town may stipulate conditions under which the permit is issued.

TA Cowles said that for the upcoming vegetation management cycle, tree removals and tree pruning are proposed for the SHA buffer along Edmonston Road, M-NCPPC property around Sports Park and Indian Creek Park, as well as the College Knolls and Greenbriar Knolls sections of Berwyn Heights bounded by Berwyn Road, Charlton Avenue, Swarthmore Drive, and Nevada Street. SHA and M-NCPPC have already permitted the work around Sports Park. Trees proposed for removal are marked with blue paint. Vegetation management activity includes removal of invasive species and spraying of herbicides to prevent future growth. It also includes a replanting program that follows Maryland's "right tree, right place" guidelines to ensure that those trees and shrubs do not interfere with power lines in the future.

Jerry Pasternak thanked the Town Council and Town Administrator for their cooperation in permitting the tree work, and invited questions about the proposed plan. In the ensuing discussion, the following points were made:

1. Pepco's 2014 vegetation management activities were stopped upon request by the Town. The work was related to a different feeder and any unfinished work will have to wait until that feeder is serviced again in 2018.
2. Several trees in town marked with blue paint and not within the current feeder plan may have been left over from the previous 2014 vegetation management project.
3. Pepco's vegetation management in the past was sometimes overly aggressive, possibly in response to massive outages following the June 2012 derecho.
4. Pepco's aggressive tree removal program has led local governments and community leaders to question the scope of the program and to advocate for a more thoughtful approach to tree removals with more community input.
5. Pepco's tree planning contractors identify and inventory trees that do not meet State mandated clearances around power lines and must be either be removed or pruned.
6. Tree cutting is performed by a different contractor, who gets paid only for work prescribed in the final plan.
7. After tree removals, new trees are planted in fall that will not interfere with power lines. The trees have a 1 year warranty but Pepco does not maintain them.

Mr. Pasternak explained the process for devising a vegetation management plan. First, a planning contractor identifies all trees that are too close to power lines on a given feeder. If located on private property, the planner attempts to talk to the home owner and discuss the affected tree. If the homeowner does not approve the proposed work, Pepco will not include the identified tree in the vegetation management plan. In the event the home owner is absent, the planning contractor will leave a door hanger and request that the home owner contact them to discuss the tree(s) in question. A couple of follow-up notices will be sent if there is no reply. All home owners served by the feeder will be notified of the impending tree work before the plan is finalized.

If a problem tree is on Town right of way, Pepco essentially follows the same process as with private home owners, seeking to discuss all public trees that would be impacted by the vegetation management plan. Once a municipality approves a particular plan, Pepco must obtain approval from the Department of Natural Resources (DNR) for the plan as well. Pepco also offers to discuss a tree plan with any interested civic group in the community, if desired, to explain how and why trees are being removed or pruned.

TA Cowles asked if the Council has any conditions it wants to place on the issuance of a permit apart from the 2" caliper standard required for replacement trees. Mayor Kulpa-Eddy asked that the September 2014 agreement with Pepco be consulted to identify trees the Council did not want to have removed. MPT Rasmussen moved to approve the 2016

vegetation management plan as proposed, excepting any trees spared in the 2014 project that might be included in this plan. CM Robles seconded. The motion passed 5 to 0.

In response to Mayor Kulpa-Eddy, Mr. Pasternak said that Pepco is attempting to eliminate double poles. Double poles are the result of Pepco replacing old poles with new ones, but cable and telecommunication companies not moving their wires to the new poles in due time. He recommended the Town forward the pole numbers of any double poles so Pepco can follow up with the cable companies.

At 8:22 p.m., the Council took a 5 minute break.

***Four Cities agenda items:*** The following items were proposed for the April 28 Four Cities meeting in New Carrollton: Updates on the Greenbelt Station development and construction of the hiker/biker trail; update on the North County Animal Shelter; Park & Planning tree removal policy; update on the Purple Line.

***Charter amendment process:*** Mayor Kulpa-Eddy said she would like to prepare the Council for updating the Town Charter with regard to its boundaries during the next term. The Charter was not amended after Berwyn Heights annexed several industrial properties north of Branchville Road in 2005. The boundary with Greenbelt east of 63<sup>rd</sup> Avenue also needs clarification. She has asked TA Cowles to provide background information on charter amendment procedures to start the process.

TA Cowles said that there are 2 ways of amending a charter: 1) by Council initiative: and 2) by petition of residents. In this case, the charter amendment would be initiated by the Council through adoption of a charter resolution. This resolution must be limited to the single issue of boundary adjustment and follow a prescribed format. Although resolutions can be adopted with one reading, she recommends following the ordinance adoption procedure that introduces the amendment at one meeting and adopts it another. This would give residents the opportunity to give input at two hearings. In addition, a strict notification schedule has to be followed to publicize the proposed charter amendment, which takes 4 to 5 months.

## **2. Administration**

***Volunteer appreciation dinner date:*** The Council set Wednesday, June 22 as the date for this year's volunteer appreciation dinner. Three Brothers, Mission BBQ and Silver Diner were proposed as caterers.

***Bulletin cover:*** The following items were approved for the May Bulletin cover: Berwyn Heights Day theme; announcements for Berwyn Heights Day, Town Council election and new Council reception, and FY 2017 budget adoption.

Nothing was discussed under **3. Code Compliance, 4. Parks and Recreation, and 5. Public Safety.**

## **6. Public Works**

***DPW director job description:*** TA Cowles provided a revised job description for the Public Works director, which reflects the guidance from the human resources consultants. It is more comprehensive than the current job description so that an applicant has a better understanding of what is expected. The description has a job summary, a list of essential job functions and required skills, an overview of the physical environment, and a summary of minimum educational qualifications. For the Public Works director, a Bachelor's degree in public or business administration, civil engineering or a related field is preferred, in combination with 5

years of experience in the field with increasing managerial responsibilities. The candidate should also be willing to obtain certifications in pesticide application and roadside tree care.

TA Cowles asked the Council to suggest any changes to the job description by the end of the week so that the job can be advertised starting next week. A formal approval of the description can wait until the HR consultant has completed all job descriptions for the Council to approve. In response to questions, TA Cowles said that the new job descriptions will inform a revised performance evaluation process. In addition, the Council may want to set goals and objectives for each position during a strategic planning exercise scheduled for the newly elected Town Council in the fall of 2016. The requirement for 5 years of prior experience refers to a minimum of supervisory experience. TA Cowles believes that a likely candidate would either come from a mid-level managerial position in a larger agency or from a directorship in a smaller department. The proposed pay range is between \$62,000 and \$84,000, depending on qualifications.

MPT Rasmussen recommended that the job description emphasize a collaborative relationship the director is expected to have with other senior staff. TA Cowles will make the change and begin advertising the position on April 11.

**7. Executive Session (9:06 p.m. – 9:26 p.m.)**

On a motion by CM Dennison, seconded by CM Robles, the Council went into executive session to select a citizen-of-the-year. With a selection made, CM Dennison moved and CM Robles seconded to end the executive session.

The meeting was adjourned at 9:27 p.m.

*Kerstin Harper, Town Clerk*