



Town of Berwyn Heights

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

MAYOR
Stephen D. Isler
COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Jeffrey Jay Osmond
Ethan D. Sweep

Worksession Minutes

April 15, 2019

7:00 pm

Present were Mayor Pro Tempore (MPT) Jason Papanikolas, presiding, Councilmembers (CMs) Amanda Dewey, and Ethan Sweep. Mayor Stephen Isler and CM Jeffrey Jay Osmond had excused absences. Also present were Town Manager (TM) Maria Broadbent, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, and citizens.

1. Agenda

The following agenda changes were made: BHES grant request was moved to Budget Items and code enforcement procedures was moved to Discussion Items.

2. Announcements

MPT Papanikolas said Mayor Isler is on vacation and CM Osmond is attending a business meeting and could not attend. He will chair tonight's meeting. MPT Papanikolas reminded residents that they can continue to submit comments on the budget by emailing one or all Councilmembers.

3. Presentation

Aaron Marcavitch, Executive Director of Maryland Milestones/ Anacostia Trails Heritage Association (ATHA) was present for his annual visit to member municipalities. This is an opportunity for dues paying members to ask questions and make suggestions about how ATHA's money is spent. Mr. Marcavitch said it is the mission of this organization to promote history, art, culture and nature in Northern Prince George's County. Their headquarters are located in the Pyramid Atlantic Arts Center in Hyattsville.

Mr. Marcavitch said this year ATHA has hired a part-time assistant, who is working on reviewing "Battle of Bladensburg" reports to capture any remaining tasks and on developing a County-wide Civil Rights Trail. ATHA has reformatted its mini-grant program, now labeled "Rocket Grants," to raise the grant limit and make it available on a rolling basis. ATHA also dispenses \$30,000 in technical assistance grants each year and can help with signage design and funding, such as an educational sign for a raingarden.

ATHA continues to be heavily involved in bike tourism and trails development. The season of bike tours are coming up, starting with tours on aviation led by the College Park Airport Museum and on the Calverts' Riversdale Estate in May. On June 8, ATHA, College Park and Hyattsville are hosting a Trolley Day celebration with music, bike activities, fun run and more along the Trolley Trail. The upcoming events program and other news is available on the ATHA website and via a weekly e-blast.

4. Budget Discussion Items

Short term disability insurance: TM Broadbent and Treasurer Rodriguez said they have reached out to the Town's insurer about short-term disability insurance. They have received some general information but no quotes as of yet. Currently, disability insurance is available only if employees purchase it themselves.

COLA/ merit increases: TM Broadbent said the Council has been provided a list of merit increases paid in neighboring municipalities and a chart showing 2 options for awarding merit pay based on employees' performance evaluations and the associated cost. Both options include a 2% Cost of Living Adjustment (COLA). Option 1 would provide a 3% merit pay increase for employees earning a score of 6.5 (on a scale of 1-10) and 1.5% increase below a score of 6.5. Option 2 would set merit pay for top scorers at 3% and below at 2%. The cost of option 1 is \$36,334 and of option 2 is \$37,241.

In discussion it was suggested to pick cities nearer in size to Berwyn Heights as a benchmark for merit pay. Some of the cities picked for comparison have much larger budgets and staffs. TM Broadbent added that several of the cities on the list use pay charts and step increases to reward performance. CM Dewey said, in this case, the size of the municipality would not seem to make much of difference. She would prefer option 2 because it keeps the gap between top performers and others, that can eventually lead to a large pay disparity, to a minimum. MPT Papanikolas and CM Sweep agreed.

BHES grant request: CM Dewey received a request from the Berwyn Heights Elementary School PTA for a contribution towards hosting a traveling zoo and/ or an educational agricultural exhibit. The Town has helped fund this type of educational activity in previous years. Occasionally, grants have been requested from Parkdale High School as well. The donations have come from an education or public relations line item in the Town Council's budget, which this year contains \$4,500. The Council agreed to give \$3,000 to the BHES PTA in FY 2020.

4. Discussion Items

Code enforcement procedures: TM Broadbent provided a draft of revised Ordinance 111 – Municipal Infractions and a flow chart for a new code enforcement process. She explained the Town currently has 3 ordinances that deal with property maintenance issues: one for residential properties (Ordinance 107 - Clean Lot), another for commercial properties (Ordinance 134 – Commercial Clean Lot) and a third for rental properties (Ordinance 120 – Rental Housing). All three types of properties are governed by standards set forth in the International Property Maintenance Code.

TM Broadbent said she will propose to combine the 3 ordinances into one property maintenance ordinance, thus eliminating overlap and repetition. She would do this in stages, starting with the enforcement process. She said the current ordinances have enforcement provisions that do not comply with State law. State law prescribes the issuance of municipal infractions for code violations that can be appealed to the Circuit Court. Berwyn Heights code violation notices are appealable to the Town Council. Further, property owners have not always been instructed they have the right to appeal a code violation, thus depriving them of due process.

Clerk Harper noted the Town's violation notices used to specify the right to appeal. The first level of an appeal was to the Town Council, but if the appellant did not agree with the Council's decision, he could request to be issued a municipal infraction in order to appeal the Council's decision to the Circuit Court.

TM Broadbent said the violation letters she has reviewed did not contain the required information. In a reformed code enforcement process the first step would be to send a letter notifying a property owner of a

violation and stating a time frame to abate the violation. The time frame should be left to the judgment of the inspector rather than necessarily following the chart in the current ordinances. The notice would also inform the property owner that he has 10 days to appeal the violation. If an appeal is requested, it would be heard by a new appeals board. This board would consist of 3 qualified citizens and 2 alternates appointed by the Council, not the Town Council itself.

CM Dewey said in her experience it is difficult to establish a new board. She is concerned the Town may not be able to find enough residents to staff a code appeals board. TM Broadbent suggested that non-residents might be allowed to serve to increase the pool of potential members. CM Dewey said, assuming an appeals board can be constituted, she wonders what would happen if the board does not follow up on an appeals request. Thought needs to be given to a mechanism that ensures the board will be able to operate over the longer term.

CM Sweep said the Town should probably explore whether there are any residents interested in serving on an appeals board before trying to establish one. He also thinks that at least the chair person should be a Berwyn Heights resident. CM Dewey thought that a majority of the board should be residents. TM Broadbent said another option might be to appoint the Town Manager as an administrative hearing officer or to hire someone to serve in that capacity. CM Sweep asked why TM Broadbent believes that the Council should not serve as an appeals board. TM Broadbent replied she thinks there are ethical issues with a Council sitting as an appeals board.

Clerk Harper said earlier Councils had a fairly rigorous process when hearing code appeals. The Code Director or Supervisor had to present all relevant documentation for the case being appealed, showing that notices of violation and warnings of a fine had been sent before a code fine was issued. If documentation was incomplete or some step in the notification process was not followed the Council was apt to waive the fine and dismiss the case.

MPT Papanikolas said he would prefer to get a reformed Code Department up and running before setting up a new appeals board. If the Code Department does a good job the number of appeals is likely to be low. CM Sweep agreed but added that the code enforcement process must still conform with State law. TM Broadbent said the Town would need to adopt the municipal infractions process but might retain the Council sitting as an appeals board while the Code Department is being reconstituted. The Council agreed with this approach. TM Broadbent will rewrite the flowchart to that effect.

CM Dewey offered several corrections to the draft Ordinance 111:

Section 3 Exterior Emergency or Hazardous Condition: add a notification process for declaring an emergency violation, i.e. how a homeowner would be informed of an emergency condition and how any decision the Town might make would be documented.

Dwellings unfit for human habitation-Subsection E: add “eliminate danger to the environment” when filling in an excavation resulting from a demolition.

Dwellings unfit for human habitation-Subsection F: add “use best practices” when performing an extermination of insects, rodents or vermin in condemned home to prevent their spreading.

TM Broadbent will make the requested changes.

Bilingual communication: CM Dewey asked the Council to discuss ways to make Berwyn Heights a more inclusive community. Currently, the Spanish-speaking community is underrepresented at events and public meetings. The recent initiative of the BHPD to establish a Latino outreach program is a step in the right direction. The next step might be to publish a Spanish version of the Town Council meeting minutes so that the official actions of the government can be read and understood by the Latino community.

The Council discussed the feasibility of translating the minutes, which are often lengthy and would take time to translate. MPT Papanikolas suggested using web-based translation services to produce a rough draft and have a native speaker proof read it. CM Dewey volunteered to produce a rough draft with Google translate and find a Spanish speaking employee to proof read it.

TM Broadbent said she is working with Town staff on improving outreach to the Latino community. One of the problems she sees is the filing of code complaints about Spanish-speaking neighbors without trying to have a conversation first. One way to break the ice may be to hold Town-sponsored block parties. TM Broadbent will keep the Council informed about any ideas staff comes up with to include more residents in community life.

Welcome packet: TM Broadbent explained that Public Information Aide (PIA) Tiffany Minor is working on a welcome packet for new residents and visitors of the Town. She provided a welcome booklet of the City of Greenbelt which could serve as a template. She asked if the Council likes the format and has suggestions about content. One of the things to be avoided is including content that becomes quickly outdated, such as a Mayor's welcome message or contact information for Councilmembers and Town organizations.

Councilmembers approved of the booklet format and made the following suggestions: include a list of Town organizations; add references to citizen resources available from the State, the County or local organizations; add a magnet to the back cover so it can attach to a refrigerator; and add business advertising to help defray the cost. Councilmembers will send any additional ideas for the booklet to the PIA.

Four Cities agenda items: An update on College Park's study for shifting the issuance of building permits from the County to the municipal level was added. TM Broadbent has informed College Park that Berwyn Heights would contribute to the study. School funding for northern Prince George's County may become an agenda item in the future. CM Dewey noted that the Education Advisory Committee will hold its first meeting on April 29 to adopt an organizational framework and set a meeting schedule.

4. Minutes

On a motion by CM Dewey, seconded by CM Sweep, the March 18 worksession minutes were approved 3 to 0.

5. Department Reports

CM Sweep reminded residents not to put plastic bags in their recycling bins, or to place recyclables into plastic bags for collection. Public Works will no longer collect recycling if plastic bags are in the mix starting this week.

CM Dewey announced upcoming workshops of the Maryland Department of Transportation (MDOT) on the proposed expansion of I-495 and I-270. The nearest workshop will take place at Eleanor Roosevelt High School on April 23, 6:30 p.m. CM Dewey also reminded residents of the ongoing Trees of Distinction contest and many open spots for Berwyn Heights Day volunteers. Also on the calendar, are a Town cleanup on April 13 and an Easter Egg Roll on April 20. Students will be on Easter break this week.

6. Town Council Schedule

The Council reviewed the calendar. CM Dewey will attend the April 18 PGCMA meeting. She noted that Berwyn Heights will likely not qualify for Banner City status this year, unless meetings attended by staff and a Code Enforcement & Zoning Officials Association meeting Berwyn Heights hosted count. The Recreation Council added a meeting on April 30 to discuss Berwyn Heights Day.

7. Citizens Discussion

Mike Attick, 62nd Ave, commented on the postponement of the discussion on the NW/EP to the next meeting. He said there may not be anyone to attend that meeting as NW/EP just lost some of its officers. He also commented on the NW/EP budget, the status of the emergency trailer, the planned subordination of NW/EP under the BHPD, and the repeated deferral of an approval of the new NW/EP status. TM Broadbent clarified that a resolution to ratify the status had to be rewritten to incorporate NW/EP members' input after the group reorganized in December, but it will be discussed at the next worksession and voted on at the May Town meeting.

Mr. Attick also questioned the accomplishments of this Council, saying little has been done apart from some tree work; expressed disapproval with Public Works employees' refuse collection practices and use of cell phones while on the job, and pointed out remaining problems with Town streets.

Councilmembers responded by citing some of their accomplishments, including completion of Phase I of the road improvements, painting of Town facilities, landscaping at the Town Center and applying for a spay/ neuter grant. They agreed to check into the use of cell phones by Public Works employees but felt it is okay for employees to use phones if it is not distracting them from working. This Council continues to welcome the reporting of problems by residents, preferably as soon as they occur.

The meeting was adjourned at 9:50 p.m.

Signed: *Kerstin Harper*, Town Clerk