



Town of Berwyn Heights

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Minutes Worksession January 7, 2013

The meeting was called to order at 7:08 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers Almoguera, Dennison and Kulpa Eddy. Also present was Clerk Harper. Town Administrator (TA) Murphy had an excused absence.

1. Mayor

Announcements: TA Murphy will be absent for several weeks recovering from surgery.

Agenda: A discussion of TA Murphy's absence was added.

Calendar: A correction was made to a January 17 entry to add a meeting of the Prince George's County Municipal Association (PGCMA).

Minutes: On a motion by CM Dennison and second by MPT Wilkinson, the December 17 worksession minutes were approved 5 to 0. The December 12 Town meeting minutes were distributed.

Department reports: Mayor Calvo reported that the Police Department finished 2012 with a record low of 61 Part I offenses. The Department has also improved at resolving crimes. An arrest in a recent burglary case was made within a couple of weeks of its occurrence. Further, Mayor Calvo reported that he has given considerable thought to the upcoming budget and how to address the impending decline in revenues resulting from the recent real property reassessment. TA Murphy's medical leave has also weighed on his mind.

CM Kulpa-Eddy reported that she spoke to Director Solomon about the purchase of a new vehicle. Ms. Solomon will contact dealers in the area to try to negotiate a lower price for the Ford Escape the Council authorized for purchase. MPT Wilkinson reported that the leaf season has ended and that all leaves must now be bagged for disposal. The weekend after Christmas, Public Works pretreated the roads with salt in preparation for a winter storm that turned to rain. CM Dennison announced that a Traveling Garden awards reception will be held on January 12, 2 pm.

Citizen comments: Mayor Calvo and the entire Council received an email from a former councilmember saying that the December 17 worksession was the most interesting meeting in his

memory. MPT Wilkinson received a comment on the Safe Routes to School grant.

Town Administrator's absence: Mayor Calvo said that TA Murphy will be absent for at least four weeks to recover from abdominal surgery. Although he plans to work on the budget from home, TA Murphy will not be as available to help department directors prepare their budgets as he has in previous years. This will likely lead to delays in the budget process.

Mayor Calvo said he thinks that the best way to help TA Murphy and keep everything on track is to hire an assistant. This person would make sure that budget materials are turned in on time, budget binders prepared and spreadsheets updated. An assistant would probably be needed on a part time basis for at least the next two months. To pay for his salary Mayor Calvo would like to re-purpose \$2,000 earmarked as a contribution for a joint BHES/ Community Center computer lab in the *public relations* line item of the *Mayor & Council* budget. It does not appear that the school and the community center will be able to implement the joint computer center in the near future.

CM Almoguera said she thinks that an assistant is necessary to keep the budget on track, and offered to check with the University of Maryland to see if there are students with a business or finance background, who might be interested in such a position. MPT Wilkinson suggested that the hired assistant might be assigned easier, more labor intensive tasks, while the treasurer might perform higher level budgeting. Mayor Calvo said the treasurer's workload will already have increased in TA Murphy's absence because she is the 2nd in command. Further, her job is primarily to keep the books and track revenues and expenditures, not budgeting. He thinks paying a student, who is working toward a degree in business or public administration, is the better option. In addition, this person may be in a good position to document the budget process, which TA Murphy planned to do this year, because he would bring a fresh perspective to the endeavor.

CM Kulpa-Eddy asked if TA Murphy will continue to receive his salary working on the budget from home or sick leave. Mayor Calvo replied that he has sufficient sick leave to cover a few weeks of absence, but that his compensation will have to be worked out. With no further comments, CM Almoguera moved, and MPT Wilkinson seconded to re-purpose money earmarked for a BHES computer lab to pay for hiring a budget project manager. The motion passed 5 to 0.

Reassessment impact on the budget: Mayor Calvo said the Town has been informed that its residential real property values will decline by 17%, while commercial real property values will go up slightly. When the offset is taken into account, all real property tax revenues will go down by approximately 15%. This equals a loss of approximately \$220,000 in the operating budget and approximately \$13,000 in road repair tax receipts. However, there are other variables affecting overall revenues. Public Safety Taxing District (PSTD) revenues are slated to go up by approximately 5%, and have ample funds to pay for one police officer and a vehicle. Income taxes, too, appear to be on track to exceed budgeted amounts, if the November disbursement is an indication. The rise in income taxes continues a trend from the last two years and will offset some of the losses.

Mayor Calvo continued that, even with the increases in commercial and income tax receipts, the Town will have to make cuts between \$110,000 and \$150,000. That probably means eliminating a couple of soon to be vacant positions. In addition, there are yet to be determined expenditures that need to be covered, such as roll up costs from merit increases, cost of living adjustments (COLA), and health insurance increases. The deficit will have to be made up with tax increases, increases in fees and fines,

and the surplus. His preference is to take a balanced approach and do all of the above: make cuts, raise revenues and use surplus. Further, any adjustments to budget will need to be sustained for at least 3 years, until the next reassessment. Therefore, the Town Council needs to develop a plan on how to address the shortfall for year one, two and three.

MPT Wilkinson asked if there is an appeals process for municipalities. Mayor Calvo said there is not. However, individual homeowners can appeal. This reassessment has impacted individual homeowners very differently, with drops in assessments ranging between 25% to 8% just among councilmembers properties. If the Town increases its real property tax rate this would mean a net tax increase for some, and a continued tax decline for others.

MPT Wilkinson said that the reassessment also changes how much revenue is produced by a one-cent increase in the real property tax rate. In past years it was \$30,000. He would like to know what the number is now. Mayor Calvo said that TA Murphy will be asked to figure that out. By the next worksession, he hopes the Council will have had time to think about how it wants to go about adjusting the budget and be able to give TA Murphy specific guidance on where cuts should be made and which revenues should be raised.

At 8:25 p.m., the Council took a 10 minute break.

Sidewalks design proposal: Mayor Calvo said that the Town's engineering consultants, AB Consultants, submitted a proposal of \$44,800 to provide engineering designs, bid specifications, and construction cost estimates based on current market prices for priority 1 sidewalk areas. TA Murphy advised not to make a decision tonight as he would like to get clarification on how easements figure into the plans. Mayor Calvo said he would like to get additional proposals for the design and engineering of sidewalks, as he was not satisfied with consultants' previous service charges.

CM Kulpa-Eddy said she would like to see at least 2 more proposals. Further, she remains concerned about spending all the money on sidewalk plans without having enough funds set aside to pay for construction. She cannot see where the money to build sidewalks would come from, especially if the Town plans to go ahead with getting emergency generators. While the Town has been offered assistance from the State to pay for emergency generators, it would require a match from the Town of approximately \$35,000, based on 2011 estimates of \$70,000-\$80,000 for 2 generators. The bond bills need to be ready by January 22.

Mayor Calvo said that he thought a previous quote for the generator was around \$34,000. He believes it is sufficient to have a generator for the Town Center, which could accommodate both relocated Town staff and residents. CM Kulpa-Eddy said that TA Murphy and Public Works Acting Director Lockley are in the process of getting fresh proposals for the generators. She plans to ask for a second backup generator for the Town offices so Police and Public Works staff can work there in an emergency. But if the grant covers only one generator, the Town Center could be set up to house staff on one of the two floors.

Mayor Calvo noted that the design and engineering estimate does break out the cost by block. This allows for eliminating blocks if there is not enough money to do all. However, he has questions as to the specific costs for particular blocks and why there is a charge for surveying, which he thought has already been done and paid for. The Council agreed that additional proposals should be obtained.

Council Rule 11: Mayor Calvo explained that a draft Council Rule 11- *Mayor's Duties* includes the revisions the Council approved at the last worksession. It turns the existing list of phrases into complete sentences and adds a provision “authorizing the Mayor or his designee to request or dispatch emergency aid in conformance with the Public Works Aid Agreement for Maryland Municipalities of August 8, 2012, after consulting with the Head of the Public Works Department and the Town Council.” Mayor Calvo said he would strike the part that requires the Mayor to consult with the Town Council because it was not part of the policy the Council approved. He thinks consulting with the Town Council defeats the purpose of expedited aid approval.

CM Kulpa-Eddy raised the question whether authorizing the Mayor to approve aid requests without Town Council approval conflicts with the Town Charter, Section 609.1 – *Negotiated Contracts*. That provision authorizes the Mayor to negotiate a purchase or contract without formal bidding procedures in an emergency and with the consent of the Town Council. Mayor Calvo replied that he interprets the the Mutual Aid Agreement to be the contract in this case, which has already been negotiated and approved by the Town Council. The Council Rule would authorize the Mayor to make a decision to send aid under that agreement. CM Kulpa-Eddy said that the referenced Charter Section seems to require consent of the Council not only for the negotiation of a contract but also for its execution when procuring supplies or services in an emergency. She can imagine a situation when the Council may want to weigh in on sending equipment to another municipality, for example when the Town needs the equipment itself. She would like a lawyer to give an opinion on the matter.

Mayor Calvo reiterated that he thinks the framework within which the Mayor makes a decision about dispatching aid has already been put in place with the Mutual Aid Agreement. If the Mayor has to get consent from the Council for each instance of dispatching aid, the agreement is useless. Further, he regards it as a waste of money to pay a lawyer to interpret this section of the Charter, which he believes is fairly clear. Approval of the revised Council Rule would simply memorialize a policy the Council adopted with the signing of the Mutual Aid Agreement. The policy would remain in place even if the Council Rule were not adopted.

MPT Wilkinson said that he agrees with Mayor Calvo's interpretation that dispensing aid is just an execution of a contract or agreement that has already been approved by the Town Council. CM Kulpa-Eddy said Section 609.1 may also require Council consent for the execution of an agreement, i.e. requesting or dispatching aid. To her mind, obtaining a legal opinion from the Town attorney is money well spent. CM Almoguera said, to her mind, Section 609.1 relates to purchasing and does not apply to the situation of loaning equipment and services as defined under the Mutual Aid Agreement.

The Council agreed to postpone approval of the revised Council Rule 11 until more information is made available and the issue clarified.

2. Administration

Bulletin cover: The following items were approved for the the cover of the February Bulletin: Presidents' Day theme; announcements for PGC call center presentation and Historical Committee Presidents' Day reception.

Nothing was discussed under **3. Code Compliance.**

4. Parks and Recreation

Greenbelt Middle School sixth grade: Mayor Calvo explained that Prince George's County Public Schools (PGCPS), as part of the boundary review process, is proposing to move sixth graders from Magnolia Elementary School to Greenbelt Middle School (GMS) this year. He has been informed that the GMS PTA opposes this proposal because it does not move sixth graders from all other feeder schools, including Berwyn Heights, to GMS. The reason for the opposition is that moving just the Magnolia six graders may reduce TAG slots available for students to be moved in the future. In addition, as long as BHES sixth graders remain in place, there is no room to accommodate the school's pre-k students. They would continue to go to Paintbranch Elementary School.

Mayor Calvo asked for a motion to support the GMS PTA in opposing the proposal to move only Magnolia sixth graders to Greenbelt Middle School. MPT Wilkinson so moved. CM Dennison seconded. The motion passed 5 to 0.

Safe Routes to School grant letter of support: MPT Wilkinson explained that he and CM Almoguera have worked with Berwyn Heights Elementary School to complete an application for a Safe Routes to School grant, which must be sent by January 10. The Council is requested to send a letter of support for the application. MPT Wilkinson summarized that the grant requests funding for 3 infrastructure projects, including 1) a raised cross walk on Pontiac Street at 60th Avenue; 2) a sidewalk on the 8600 block of 62nd Avenue leading to the back entrance of the school; and 3) a sidewalk for the 8900 block of 63rd Avenue leading to Greenbelt Middle School. On the Town's part, the school is pledging to make routes to school safer through educational activities, such as the walk-a-thon, bicycle rodeo and walking to the school bus. In addition, there is a request for a portable stop sign that can be used by the crossing guard at Pontiac Street and 60th Avenue to regulate traffic going in and out of the lower parking lot.

Mayor Calvo said that he would give the sidewalk on the 8900 block of 63rd Avenue top billing because it is the most dangerous location. Next, he would list the raised cross walk on Pontiac Street second followed by the sidewalk on 62nd Avenue. In addition, he has some stylistic changes. CM Almoguera suggested separating the elementary from the middle school request. In this manner, each school can have an associated top priority infrastructure project. Second, volume of students should not be the criterion to prioritize the projects. The *safe routes to school program* works on the assumption of "build it and they will come." CM Kulpa-Eddy suggested using specific numbers to illustrate the potential hazards at a particular intersection or stretch of road.

On a motion by CM Almoguera and second by CM Dennison, the letter of support was approved 5 to 0 pending some stylistic changes by Mayor Calvo.

Branchville Fire Department staffing cuts: CM Dennison said there have been reports that the County wants to remove all professional fire fighters from the Branchville Fire Station, making it difficult for them to cover the daytime service hours. Berwyn Heights may be impacted because Branchville has a pumper truck, which the Berwyn Heights Fire Station lacks. Mayor Calvo said that the County has removed Branchville's professional staff on previous occasions but then re-instated them. He believes the County wants to eventually eliminate Branchville because College Park has another, newer fire station that could cover the area. However, the Berwyn Heights Fire Station will be impacted by service reductions or closure of the Branchville Fire Station as it will be asked to respond more often to that area. The issue will likely be discussed at the next Four Cities meeting in College Park.

CM Dennison moved to take a position to oppose the Branchville Fire Station staffing cuts. CM Kulpa-Eddy seconded. The motion passed 5 to 0.

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

Signed: *Kerstin Harper, Town Clerk*