



# Town of Berwyn Heights

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## Minutes Worksession May 6, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Kulpa-Eddy. Also present were Town Administrator (TA) Murphy, Clerk Harper and Budget Assistant Kyle Snyder.

### 1. Mayor

**Announcements:** There were none.

**Calendar:** The June 10 worksession was moved up to June 3.

**Minutes:** Adoption of the April 15 worksession and the April 22 budget worksession were postponed to the next worksession on May 20.

**Department reports:** Mayor Calvo reported that he, TA Murphy and Director Solomon met with representatives from Pepco, State Highway Administration (SHA), and the Department of Natural Resources (DNR) to discuss landscaping in the Edmonston Road buffer. A plan was agreed to whereby Pepco commits to removing the remaining brush and logs from last year's clearing of trees and shrubs around power lines, and replanting the buffer with holly trees by this fall. SHA, which owns the land, and the Town will review and approve the plan. In addition, SHA will add the Edmonston Road buffer to a list of sites to be cleaned up in the future. This will include eradicating invasive plants and undergrowth and replanting the site with native plants.

Mayor Calvo also thanked his wife Trinity for coordinating another successful Berwyn Heights Day. This is the 10<sup>th</sup> year she has been heading this effort. The event went well and provided many opportunities to speak with residents. The Boys & Girls Club's new Vice President, Eric Hemby, brought to his attention that the Sports Park bleachers need to be refurbished. Public Works Acting Director Lockley thought that the repairs could be made quickly and fairly inexpensively. MPT Wilkinson said that this has traditionally been the responsibility of the Club but he supports the Town making the repairs.

CM Dennison reported that the Berwyn Heights Historical Committee dedicated this year's historic marker on the Sportland boxing ring. Maria Snoddy, the grand-daughter of the former ring's owner, was in attendance. Overall, it was beautiful day and people had a good time. She thought that the music and

the new D.J. were good. TA Murphy noted that he will meet with Trinity, Director Solomon, Public Works Acting Director Lockley and Foreman Hockman to go over the Berwyn Heights Day glitches and come up with a plan on how to avoid them in future years. New, more powerful generators are needed to run the inflatable rides and P.A. system. CM Dennison said that the Recreation Council will also review Berwyn Heights Day at its next meeting, using input from an online survey. The Seniors should be provided with a printed version of the survey. Next Saturday, the Boys & Girls Club will hold a camp-out at Sports Park. The Berwyn Heights police should be informed so they can look after them.

MPT Wilkinson reported that the Public Works Department was busy with Berwyn Heights Day preparations and cleanup afterward. The grass protective mesh has been installed at the T-Ball parking area. However, people are not parking on it because they don't know what it is. A sign should be posted stating that this is a parking area. TA Murphy added that Parks & Planning said that the Town will be responsible for maintaining the grass if the mesh does not adequately protect the grass.

CM Kulpa-Eddy reported that the new Code car was in the parade and looked good. She thought that the Fire Department's safety house exhibit was a great addition to Berwyn Heights Day, teaching important lessons about preventing and dealing with home fires. The Town should promote it and make sure it returns at future events. CM Dennison said that next year, Berwyn Heights Day will likely be bigger because it will be an election year and many candidates will want to be in the parade.

***Citizen comments:*** Mayor Calvo received a complaint from a resident about a parking citation issued to someone helping the resident plant flowers. The Council also received comments on maintaining Police Department staffing at current levels.

### ***Budget***

**Health Insurance:** TA Murphy gave an update on health insurance rates. He said that he was told by the State Insurance Commission that they only recently received CareFirst's FY 2014 rates application. Therefore, the approved rate information may not be available until June. Normally, rates need to be approved 60 days prior to the new fiscal year. If Berwyn Heights does not get the rate information soon, there is a possibility that it may get billed for July's and August's premiums at this year's rates. Mayor Calvo said that it is a legal requirement that rates are approved 60 days prior to the renewal date specified in the contract. Berwyn Heights' renewal date is July 1. If next year's rates are not yet available Berwyn Heights should be able to lock in next year's premiums at this year's rates. The Town should not have to pay for the insurance company's failure to file rates in a timely manner. TA Murphy said that is not what the Commissioner told him, but he will follow up.

CM Kulpa-Eddy said that the Town should raise the point of timeliness with the insurance company, but be careful on how it is worded. She would not want to risk the Town getting dropped. Further, the delay in providing rate information may be due to the insurance company having to file an additional application for the health insurance exchange that Maryland will implement in 2014.

Mayor Calvo said tonight's concern is how to deal with a potential rate increase. While TA Murphy budgeted a cushion of \$5,000 in the event that premiums increase above the 3.9% anticipated, this may not be enough. He proposed to take additional money needed from the employee salary pool, which has \$25,000 for merit pay and a Cost of Living Adjustment (COLA). Health insurance is a benefit for employees and should be paid for either by reducing the merit pay or the COLA, or by shifting a

greater share of health care premium payments to the employees. He would not want to cut another part of the budget to pay for higher than expected insurance premiums.

Mayor Calvo said he is concerned that rising health care costs are eating away at employee wage increases. He is of the opinion that the main driver of health insurance cost increases are employers paying for most of their employees' health insurance. If employees were asked to pay a greater share they may at some point, choose to switch to a less expensive insurance. However, that point was not reached when 2 years ago the Town increased employees' share of premiums by 5%, and offered them \$500 to switch from CareFirst to Kaiser Permanente. Employees chose to stay with CareFirst.

TA Murphy noted that employees chose to stay with CareFirst mostly because they did not want to switch doctors and because Kaiser Permanente health centers were distant from where they live. With the \$5,000 cushion he budgeted, rate increases of up to 7.5% would be covered. Increases beyond 7.5% could probably be paid for by adjusting deductibles set aside in Health Reimbursement Accounts (HRA). CM Almoguera agreed that additional money needed to pay for health insurance increases should come from the employee salary pool. CM Kulpa said that she would like the Town to stay with CareFirst because it is more widely accepted. TA Murphy also informed that workers compensation insurance is going to go up by \$2,000, but there is enough money budgeted to cover the increase.

At 8:04 p.m., the Council took a 5-minute break.

Town Administrator search: TA Murphy said that he obtained 2 quotes from search firms with work experience in Maryland and the Mid-Atlantic: 1) Springsted with a regional office in Richmond, VA quoted \$16,300; 2) Novak Group with a regional office in Rockville, MD quoted \$15,700, plus \$1,500 for advertising and background checks of top finalists. TA Murphy explained that the search process usually includes the writing of a job description, creating a brochure to recruit candidates, soliciting applications, screening applicants and interviewing top candidates. Background checks are only done on the top 5 candidates. The two firms he picked have experience working with smaller municipalities in this area, while other search firms he is familiar with focus on larger cities.

Mayor Calvo said that the materials are helpful and the quote is close to what he expected. However, travel and rooming costs will have to be added. Top candidates may want to spend several days in the area to become familiar with the town and be interviewed by different sets of people. He thinks that budgeting \$25,000 should cover all needed costs. The funds would be taken from the surplus. The Council had no objections to the cost estimate.

CM Almoguera noted that the proposed time frame of the search is 4 months. Mayor Calvo said that this sounds reasonable. Much will depend on the pool of candidates. Unfortunately, not many young people go into this field and it may be difficult to find a candidate who will stay for longer than a couple of years. For many applicants the high costs of housing in this area may be prohibitive. CM Kulpa-Eddy asked at what point the Town Council would enter the process. TA Murphy said that the Council may want to look over the resumes of the candidates on the short list individually and then come to an agreement on which ones to interview.

Batting cage repair: TA Murphy said that another item that was to be funded from surplus is the repair of the Sports Park batting cage. He has an estimate of \$1,600, which he thinks can be taken from this year's Recreation Council equipment line item. Mayor Calvo said that he has no objection to fund the

repair from this year's budget. However, generally he would like to first discuss capital expenditures and then formally vote on an appropriation as a budget amendment.

Emergency generators: CM Kulpa-Eddy asked if the Town has received anything in writing from the State of Maryland pertaining to the approval of an \$80,000 grant for Berwyn Heights generators. TA Murphy said that a contract will not be issued until it comes before the State Board of Public Works by the end of July. Mayor Calvo said that while no funds will be received or spent until the Board of Public Works issues a contract, the Town should appropriate the \$80,000 in required matching funds. The money will be taken from surplus but he would like the Council to vote on all the surplus appropriations together.

MPT Wilkinson said that the Council had also discussed getting more powerful mobile generators that can run inflatables and a stronger public address system on Berwyn Heights Day. TA Murphy estimated that a larger mobile generator would cost around \$1,800. He thought that 2 are sufficient for now and could be stored at the Public Works Yard. The Council debated whether it may be better to rent larger generators because they would only be needed once a year, on Berwyn Heights Day. Rental would also ensure that the Town gets the newest models for the occasion and does not have to worry about maintenance. As TA Murphy did not have the daily rental cost at hand, the Council agreed to appropriate \$3,600 for 2 industrial generators only if the rental costs exceed the purchase price over a 5 year term, or \$350 per day.

Mayor Calvo requested a motion to appropriate money from surplus as follows:

- \$25,000 into miscellaneous for the Town Administrator search
- \$80,000 into capital expenditures for the Town Center emergency generators;
- \$1,600 into capital expenditures for Sports Park batting cage repairs;
- \$3,600 into capital expenditures for industrial generators, unless the rental cost is less.

MPT Wilkinson so moved. CM Dennison seconded. The motion passed 5 to 0.

Police Fees & Fines Resolution: TA Murphy provided new information on the *unattended motor vehicle motor running* fine, and the *returned check* fee. He said that currently the unattended motor vehicle fine is \$75. However, when the Council voted on reducing this fine to \$40, the background materials incorrectly stated that this fine is \$50. He asked if the Council would like to reconsider this fine. The Council declined to reconsider.

TA Murphy further explained that the Council voted to raise the returned check fee to \$50. However, Chief Antolik recommends leaving it at \$35. Currently, if a check bounces and the issuer does not respond to an order to pay within 30 days, the court issues an arrest warrant. During the ensuing court hearing, the police department can ask for a fine double the face value of the bounced check for the case to be dismissed. However, if the returned check fee is higher than \$35, it becomes a civil matter. No arrest warrant will be issued, and there will be no opportunity to collect a fine twice the value of the returned check. In either case, the returned check fee is used to pay for court costs. MPT Wilkinson moved and CM Dennison seconded, to set the returned check fee back to \$35. The motion passed 5 to 0.

Mayor Calvo said that the police fee and fine resolution has the new fine for *blocking a private driveway without permission* at \$50. However, his notes say that the Council raised it from \$35 to \$40. This conforms with the decision to establish tiers of fines at \$40, \$60 and \$100. TA Murphy was asked

to make the correction.

Mayor Calvo asked Budget Assistant Kyle Snyder about his analysis of the difference in revenues that might be generated by the higher fees and fines. Mr. Snyder said that, using the FY 2012 number of violations issued, revenue would go up from \$27,000 to \$38,500, for a difference of approximately \$11,500. Mayor Calvo said actuals for police fines have gone down over the last 3 years. This year receipts from police fees and fines are expected to reach \$24,000. However, even the new higher fines will not generate enough money to add additional hours for the part-time police officer.

Rental Housing Fees & Fines Resolution: Mayor Calvo said that the Council voted to raise the fines for failure to apply or renew a rental license from \$200 to \$300 for owner occupied homes and from \$400 to \$500 for non-owner occupied homes. Fines for nuisance behavior usually associated with parties were also raised from \$100 to \$250 for the first occurrence, from \$200 to \$500 for the second occurrence, and from \$300 to \$750 for the third occurrence. No changes were made.

Residential Clean Lot Fees & Fines Resolution: Mayor Calvo said the only change made was a fine for parking on grass from \$25 to \$40 to be consistent with a similar fine the police charges. The Council made no other changes.

Commercial Clean Lot Fees & Fines Resolution: Mayor Calvo said that the Council voted to double all commercial clean lot fines. The Council made no other changes.

Refuse Collection Fees & Fines Schedule: The Council made no changes to the refuse fees and fines.

Mayor Calvo summed up that taken together changes in code fines will likely generate the \$2,000 TA Murphy projected in the FY 2014 budget.

Budget Amendments: TA Murphy noted that there will for the first time there will be an amendment for the Public Safety Taxing District budget because not enough money was appropriated for the purchase of the new police car. He will also provide the Commercial District Management Authority (CDMA) with a copy of the PSTD budget for its review. For the Town budget, the only amendments he has so far is for the Pop's Park grant and the cable reserve expenditures.

### **3. Administration**

***Bulletin cover:*** The following items were approved for the cover of the June Bulletin: Theme – Yard Sale; Announcements – Yard Sale, Tipping Day, FY 2013 Budget Amendments.

### **4. Code Compliance**

***CSX intermodal transfer station:*** CM Kulpa-Eddy said that she learned that the site selected for the intermodal transfer station will be constructed in Mount Clair Yard in Baltimore City. All previously considered sites, including Beltsville, have been dropped.

### **5. Parks and Recreation**

***ATHA briefing date:*** CM Dennison said that the Executive Director of the Anacostia Trails Heritage Association, Aaron Marcavich has requested a date to brief the Town Council on current activities and programs. Mayor Calvo said that he would like to discuss this later. ATHA also asked the Town to host one of its monthly meetings. A tentative date of September 19 has been set.

***Pop's Park playground equipment purchase order:*** CM Almoguera said that the Town has received an official notice that it has been awarded a \$91,000 State grant for a new playground. She showed several slides to show the layout and equipment options. The overall concept calls for a tot lot with shade structures as this site gets very hot in summer. Next steps include the issuing of a purchase order this week, so that installation can occur by August. Demolition of the old playground will probably take place sometime in July.

Among the 3 vendors submitting proposals, Little Tikes was selected because they were most responsive to the ideas of parents and offered an add-on grant of \$27,000 to maximize the amount of play equipment. This includes a rubber mulch surface. She believes this is a very good deal and moved and that the Town issue a purchase order of \$83,942 for the Little Tikes playground. CM Dennison seconded. The demolition, moving of the fence and other preparations would be paid with money remaining in the PRECA budget equipment line item. Mayor Calvo suggested that the motion be amended to include these expenses in the appropriation. CM Almoguera so moved. CM Dennison seconded. The motion to amend was approved 5 to 0.

MPT Wilkinson said he has concerns that the shade structure is too small and high up to provide much shade. He wonders if it is possible to get a larger shade structure. He also asked if the merry-go-round that was installed 2 years ago will remain. CM Almoguera said that this has not been decided. Little Tikes cannot make changes without removing the equipment first, which would cost more money than getting a new piece. MPT Wilkinson further suggested moving the proposed new gate in the middle of the fence toward a corner, because drivers would want to stop there and let their children out where traffic is heaviest. However, he will discuss this with CM Almoguera later.

Mayor Calvo said that he has been asked by a neighbor of the park to move the handicapped parking space on Quebec Street to make it easier for her to back out of her driveway. He would like to accommodate the request when the park is reconfigured. In response to CM Kulpa-Eddy, CM Almoguera said that landscaping will not be changed substantially. Mulched paths may be added to make all areas of the playground accessible. The Council voted 5 to 0 to approve the amended motion.

The meeting was adjourned at 9:47 p.m.

Signed: *Kerstin Harper, Town Clerk*