



Town of Berwyn Heights

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

Minutes Worksession August 19, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Dennison and Kulpa-Eddy. CM Almoguera had an excused absence. Also present were Town Administrator (TA) Murphy, Acting Director of Public Works Adrian Lockley, Clerk Harper, and citizens

1. Mayor

Announcements: CM Almoguera gave birth to her third son, Matthew, this morning.

Calendar: The Council reviewed the calendar. A town-wide notice of a public hearing on the new 63rd Avenue school zones was ordered go out with a notice on the early date for the *Trunk or Treat* event. The Town will follow up with the Anacostia Trails Heritage Association (ATHA) about promised support for the Lake Artemesia concert. An inquiry about a date for the annual legislative dinner should be sent to the District 22 delegation.

Minutes: On a motion by CM Dennison and second by MPT Wilkinson, the August 5 worksession minutes were approved 4 to 0.

Department reports: Mayor Calvo reported that the number of speed camera tickets issued on Pontiac Street during the month of July seems too high for the school being out. He will look into whether tickets were issued in error. MPT Wilkinson said that the Public Works Department was busy getting the Town ready for the start of the new school year. They trimmed trees, cleared the area around the backstop of the school field, leveled the ground for the new Boys & Girls Club shed and sprayed for weeds on sidewalks. CM Kulpa-Eddy reported that Code Director Sonjia Solomon will be out longer than initially thought. Those needing assistance with a code matter should contact Town administration staff. CM Dennison announced upcoming events.

Citizen comments: Mayor Calvo received an inquiry about getting permission for raising hens, and a complaint about a white moving van parked at the Staples parking lot. When the police checked on the van, they found that it was stolen. MPT Wilkinson received a comment from a resident that the schedule for the UMD shuttle serving Berwyn Heights was not posted on the UMD website. He suspects that the reason is a gap in shuttle service before the new school year starts. Mayor Calvo

looked the website up on his computer and said that a map for the Berwyn Heights Shuttle No. 129 is posted. However, the schedule only indicates times for key stops on the route, which does not include stops in the Town.

Mike Attick of 62nd Avenue commented on the stop light pattern for the traffic light at Pontiac Street and Kenilworth Avenue that was changed a couple of years ago without consulting with the Town. The result was that cars began to back up on Pontiac Street and Edmonston Road because they did not have enough time to get through the light. He asked if the Town looked into having it changed back. Mayor Calvo replied that the Town did follow up. But SHA did not take action.

Mr. Attick also commented that the sound quality of BHTV broadcasts deteriorates markedly when the air conditioning is on. Clerk Harper said that the Town is in the process of getting a proposal for sound proofing the closet where the AC is located. It is hoped that this will fix the problem.

Recycling container replacement: Mayor Calvo welcomed Acting Director of Public Works Adrian Lockley for a demonstration of recycling containers. Mr. Lockley said that the blue 32-gallon recycling containers the Town is currently using are no longer available because the manufacturer has stopped making the model. This necessitates finding a replacement. He has brought several models for the Council to look over and decide which would best meet the Town's needs.

Mr. Lockley continued that he has taken into account the complaints and comments about the current containers when choosing possible replacements. The proposed new containers include a model with an attached lid that cannot easily fly away or get broken. It also has wheels that help elderly residents to move it to the curb. Options include:

- Rubbermaid 45 Gallon can with wheels and attached lid - bulk price \$21.15 (Home Depot)
- Carlisle 32-gallon commercial grade can, lids extra - bulk price \$27.67 (Home Depot)
- Carlisle 20-gallon commercial grade can, no lids available - bulk price \$20.03 (Home Depot)

The heavy-duty 20- and 32-gallon models are more expensive. But their heavy-duty construction allows for drain holes to be drilled into the bottom, which make lids unnecessary. He recommends getting the smaller 20-gallon, commercial grade can, plus a small number of wheeled containers for residents that have trouble lifting cans.

Councilmembers expressed concern about the light construction of the wheeled can, which may cause the hinges to not hold up. Concerns were also expressed about using cans without lids because any paper contents would get wet and heavy if it rains. This would make the containers harder for the crew to lift. Mr. Lockley replied that he has not seen any hinges break on other wheeled trash cans residents use, although lids sometimes get twisted and do not fit properly. He did not think that lifting cans with wet paper poses a problem for the crew, especially if the smaller 20-gallon cans are used.

Mr. Lockley said he has \$5,200 left in the budget to purchase trash cans. The bulk prices he quoted are contingent on buying at least 500 cans. If less than 500 cans are purchased, a 5% bulk discount applies. There is not enough money in the budget to purchase 500 units of any proposed model. But he thinks 250 bins are sufficient to meet next year's demand and he still has 60 bins in storage. Recycling cans are given first to any residents who don't have a blue bin yet, and then to homes that need 2 or more containers to fit their recyclables. Simply requesting a new bin will not necessarily result in one being issued. The department tracks which residents were already given cans and will not give additional

ones, unless needed.

Mayor Calvo said that the bins should be marked as Town property. Residents that move away and take the bins with them should be charged. He also wants Mr. Lockley to make sure that any new model will not be discontinued soon. He thinks the department should get 50 to 100 bins of different types. This would help finding out what works best. MPT Wilkinson was worried that everyone may want a wheeled container, which would cost the Town a lot of money long term, but he agreed to a pilot project.

Waste receptacle inventory (discussed out of order): The Council reviewed a map of bus stop locations in the Town, where trash cans are mounted, or still need to be mounted. The Council agreed with the proposed list for mounting trash cans, noting that they can be moved if need be.

Meeting room furniture (discussed out of order): Mr. Lockley said that he met with the Seniors to discuss their use of the new meeting room. His proposals for furnishing the room are based on this conversation. Previously, the room had a computer lab with a dozen computers. The new setup would feature 4 workstations, plus a storage cabinet for a printer and computer supplies in the corner of the room nearest to the door to the Senior Center. Training tables to serve as desks for the computers, and task chairs would need to be purchased for each of the workstations.

The main part of the room would be occupied by a new conference table and chairs from the Council chamber. A wall-mounted white board would replace bulky easels. The total cost of the new furnishings is \$3,585. Also specified are replacement banquet chairs for the Senior Center, of which 30 to 40 are needed. The cost is approximately \$20 per chair, or \$800 for 40 chairs.

Mayor Calvo noted that there was no money set aside for these expenses. At this point, he would just want to make the room functional and wait for the next budget season to appropriate money for additional furniture. TA Murphy said that there is approximately \$2,000 left in the Town Center budget that could be used for furnishing the room. The Council agreed to purchase the tables and chairs for the computer station, a storage cabinet and a simple white board. Purchase of the other items will be postponed to the next budget cycle.

At 8:25 p.m., the Council took a 5-minute break.

Pop's Park sidewalks: TA Murphy said that construction of the new playground at Pop's Park is under way and should be finished by next Wednesday. Before the grand reopening of the park on September 7, the fence will have to be moved and a new central entrance built on Cunningham Drive. If families are to use this entrance, it would be good to have sidewalks in place along Cunningham Drive. He would like to know if the Council is ready to move forward and make a decision on the sidewalk options.

Mayor Calvo said that it would probably be more expensive to build this stretch of sidewalk as a stand-alone project than as part of the Town-wide sidewalk project. While it would be nice for a sidewalk to be in place for the reopening, the moving and repairing of the fence can wait until the entire sidewalks project is ready to start. The question then is when can the whole project start. TA Murphy said he has no answer on that as yet and is waiting to hear back from C. P. Johnson about the County's response to the stormwater mitigation project. He hopes to have C. P. Johnson's 30% design plan in hand for

discussion at the September 3 worksession.

CM Kulpa-Eddy said that the Town could put up cones and temporary fencing to prevent people from using the new entrance, and direct them to the existing entrances on Quebec Street and Quebec Place. MPT Wilkinson asked if TA Murphy has spoken with the Safe Routes to School grant coordinator about the next steps in building the sidewalks on the 8900 block of 63rd Avenue. The Town will need to talk with the Berwyn Presbyterian Church about getting an easement for sidewalks, and with C. P. Johnson about engineering them.

Ordinance 118 – Roads & Public Rights of Way: TA Murphy provided a resolution for adopting Ordinance 118, which the Council requested at the last Town meeting. CM Kulpa-Eddy highlighted the issues on which the Council's input is still needed, including *Section 1 - Purpose and Authority*, *Section 2 - Applicability*, and *Section 4 - Standards*. A decision also needs to be made on whether to charge a permit fee or a permit application fee, on whether to require a deposit for utility work and in what amount, and on the right to appeal permit decisions.

With respect to Section 1, the Council agreed to delete "contractors" as one of the parties required to obtain permits, as they are to be included under "persons" as defined by in Section 3.F. Section 3-F needs to be revised to include contractors in addition to sub-contractors.

In *Section 5 - Permits, Subsection C*, "utilities" are proposed to be made subject to a separate permit from that required of "persons" as defined in Section 3. The Council needs clarification of who is subject to what, in terms of the law. Also, different utilities may have different legal standing. For example, WSSC, as a quasi-public entity, is exempt from permit fees. Further, a recent State law restricts local governments from imposing extra-ordinary requirements on Pepco when they service their wires. The implications of this law are not yet clear.

TA Murphy explained that the Ordinance will have 3 types of permits: for road work, vegetation management (tree trimming) and curb cuts for driveway aprons. Permits for curb cuts are already in use. Section 3.G imposes a new requirement that a cash deposit of up to \$1,000 must accompany all permit applications. The Council wondered whether such a deposit constitutes an extraordinary burden for undertaking tree trimming operations. This may depend on what other municipalities do in this regard.

With respect to the question of whether a permit fee or permit application fee should be charged, the Council agreed to charge a permit fee only. The Council had no objection to basing the duration of a permit on the estimated cost of the project, as proposed in *Section 8 - Permit Duration*. If the work takes longer than expected, the contractor can apply for a permit extension. TA Murphy added that contractors are aware of the cost and the duration of a project from the outset and would not be surprised by this provision. The amount of a bond, if one is required, will be based on the cost of the project as well.

The Council agreed that the Town Administrator or his designee should be charged with administering and enforcing the Ordinance, as provided in Section 12. The Town Administrator will thus have the authority to review construction and engineering plans, issue permits and stop work orders. Town police officers and code officers will be authorized to enforce standards defined in Sections 4.D - 4.H.

TA Murphy explained that *Section 13 - Bonds, Letters of Credit or Three-Party Bank Deposit Agreements* will apply only to utility companies and their contractors performing work in the public right-of-way. Greenbelt makes a distinction between repairing existing facilities and new construction, and, as an example, is requiring bonds for the replacement of all utility poles in the city. The Council expressed concern that the threshold and authority for requiring a bond are not clear. Replacement of utility poles or water mains could be interpreted as maintenance work. WSSC again may be exempted from such a requirement as a quasi-public entity. TA Murphy was instructed to find out what the Town may legally require utilities to do: from getting a permit to posting a bond to paying fines. The Maryland Municipal League's (MML) research department should be able to assist in the matter.

Regarding *Section 18 - Right to Appeal*, the Council agreed that it should include the right to appeal permit issues, in addition to the right to appeal violations. TA Murphy was asked to include it in the Ordinance. On the other hand, violations of the National Environmental Water Pollution Standards (NEWPS) resulting from work in roads and public rights-of-way should not be included in the Ordinance. Such violations probably should be brought to the attention of the county or state agencies who are charged with upholding them. TA Murphy will seek clarification.

Rental Housing Ordinance review: Mayor Calvo said that this issue requires the presence of the Code Director as well as a Prince George's County representative because the single-family home violation he is concerned with relates to county code. In the meantime, it would be useful to map existing rental homes, differentiating between owner-occupied and non-owner-occupied ones, and highlighting those with multiple rental licenses.

2. Public Safety

3. Public Works

NW/EP trailer: TA Murphy explained that the Neighborhood Watch/Emergency Preparedness Committee (NW/EP) plans to take the trailer to an event in Greenbelt on Sunday, September 29. As there is a question about who should drive the truck towing it and the driver's coverage by the Town's insurance, the Council is asked to approve the trip. Mayor replied that he has no problem with the trailer going to Greenbelt. The logistics can be worked out between Public Works and NW/EP. The Council agreed.

4. Administration

Variance appeal – 7602 Charlton Avenue: TA Murphy explained that the owners of the property are seeking a variance to build a shed in the back yard, which will exceed the 30% lot coverage limit prescribed by County zoning law, by 2.8%. The back yard slopes down, and the shed will sit 12' below the main level of the house. It is not likely to obstruct views by neighbors nor generate additional storm water runoff into the street. While the owner did not request the support of the Town, the County Zoning Board prefers a formal letter from the municipality indicating the position taken. MPT Wilkinson moved and CM Dennison seconded to support the variance. The motion passed 4 to 0.

Town Center rental extension request (added item): Mayor Calvo added this item, which was not on the approved agenda. He explained that a family, which has reserved the Town Center for a baby shower on September 1, is seeking an extension from 10 p.m. to midnight. He is not inclined to reverse the precedent on denying extensions past the 10:00 p.m. deadline. This party is planned for 100 persons

with alcohol served. MPT Wilkinson said that he supports the extension. In his opinion, this would not lead to flood of new extension requests. He moved to allow the family to stay until 11:00 p.m. CM Kulpa-Eddy seconded. The motion failed 2 to 2, with Mayor Calvo and CM Dennison opposed.

5. Code Compliance

Call-a-bus purchase: TA Murphy explained that the County has offered the Town to purchase the 1999 call-a-bus it currently leases. Under the terms of the lease the Town is responsible for maintenance and repair of the bus, as well as insurance. The only additional expense might result from the annual renewal of license plates. Not buying this bus does not make the Town ineligible from getting a new bus. However, the Town uses the bus much less than it used to. For the most part, Seniors use it for group outings.

Mayor Calvo said he sees no purpose in owning the bus if the Town has the full use of it. The Town would save the additional cost of renewing license plates. MPT Wilkinson said that the County could take the bus back at any time if the Town does not own it. He suspects that the County is thinking of changing the call-a-bus program to save money. Mayor Calvo said that this was unlikely as the bus comes with the obligation to serve seniors or disabled people within a 5-mile radius, which the Town does now using the code car. The Council took no action.

6. Parks and Recreation

7. Executive session (9:52 p.m. – 10:35 p.m.)

On a motion by MPT Wilkinson and second by CM Dennison, the Council went into executive session on a personnel matter. With matter discussed, MPT Wilkinson moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 10.35 p.m.

Signed: *Kerstin Harper*, Town Clerk