



Town of Berwyn Heights

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

Minutes Worksession September 16, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Kulpa-Eddy. Mayor Calvo had an excused absence. Also present were Town Administrator (TA) Murphy via Skype, Clerk Harper and Dimensions Health Care Board Member Thomas Hendershot.

Announcements: CM Dennison's mother will celebrate her 88th birthday this week. MPT Wilkinson, CM Kulpa-Eddy and CM Almoguera graduated from the Academy of Excellence in Local Governance last weekend. MPT Wilkinson will attend a Safe Routes to School grant training workshop on September 18.

Calendar: The Council reviewed the calendar. The date for the legislative delegation dinner was tentatively set for December 5. Clerk Harper is to follow up with members of the District 22 delegation and County Councilmember Olson.

Minutes: On a motion by CM Kulpa-Eddy and second by CM Dennison, the September 3 worksession minutes were approved 4 to 0.

Department reports: CM Almoguera reported that the Pop's Park dedication was very well attended and that everyone had a good time. She thanked Public Works for getting the park ready for the event. CM Dennison reported that the Ice Cream Social went very well. Recreation Council member Tim Tormoen had a sample display of a Halloween decorated car out front to advertise for *Trunk or Treat*.

CM Kulpa-Eddy reported that, under TA Murphy's direction, the Code Department staff is keeping up with code matters as best they can. Their focus is on rental properties. MPT Wilkinson added that the new code car is being serviced under warranty at the dealership, while the old code car is maintained in-house by Public Works.

Citizen comments: CM Almoguera received a number of comments about the new playground at the reopening ceremony. Many families are looking forward to sidewalks and a new entrance being installed in the near future. MPT Wilkinson received several emails supporting the pedestrian crosswalk signs. He also received a request from schoolteachers, who have received speed camera

tickets, to clarify the speed limit in school zones and school hours during which the 15 mph limit is in effect. He did so, adding that the money from tickets is used to improve pedestrian facilities in the Town. The Council received many comments about the postcard to residents that announces an October 10 public hearing on school zones, as well as upcoming community events.

MPT Wilkinson noted that the curb at the intersection of Cunningham Drive/ 60th Avenue at Quebec Place across from Pop's Park has not yet been painted yellow. TA Murphy said that he still needs to notify the homeowner who will be affected by the 'no parking' zone before painting. MPT Wilkinson also asked if SHA has replied to the Town's request to extend the school hours for the Greenbelt Road school zone. TA Murphy replied that he has not received a reply yet.

Dimensions Health Care certificate of need: TA Murphy explained that Attorney Thomas Hendershot, who is a board member of the Dimension Healthcare System, was to make a presentation and request the Town's support for construction of a new hospital in Prince George's County. Dimensions Health Care is seeking support from all Prince George's municipalities for a certificate of need that must be filed with the State Health Care Commission, which reviews the application. If the Council decides to support the request, a letter of support has been prepared for MPT Wilkinson's signature.

MPT Wilkinson asked where the new hospital will be located, CM Kulpa-Eddy said that the site selected will be near the Largo Town Center and the Largo Metro station. This location is convenient to most Prince Georgians and would not take much longer for Berwyn Heights residents to reach. CM Dennison moved and CM Almoguera seconded to approve the letter of support. The motion passed 4 to 0. Clerk Harper will mail the signed letter tomorrow.

Ordinance 118 - Roads & Rights-of-Ways: TA Murphy explained that the Council wanted to know whether the Town has the legal right to require a permit when a utility does work in the Town right-of-way, and whether it can charge a fee. The Town reached out to MML who provided a legal opinion that confirms a municipality's right to do so. However, WSSC has a legal exemption from the permit fee requirement.

MPT Wilkinson asked if the permit requirement and fee constitute an "unreasonable burden." TA Murphy replied that he believes that a permit fee of \$100 proposed in the Ordinance is not unreasonably burdensome. Further, Pepco Vice President Pasternak, who provided a written comment on the Ordinance, in effect agreed with his interpretation of a recent State law that affirms a municipality's right to regulate tree trimming work, as long as the standards are reasonable. Mr. Pasternak also suggested that a separate definition for "Vegetation" be added to *Section 3 - Definitions*, instead of including it under *Section 3G - Road or Street*; and that *Section 4H - Growth of Foliage* include "electric power lines, meters and transformers" as part of the utility infrastructure from which vegetation should be kept clear.

CM Kulpa-Eddy pointed out that Mr. Pasternak states in his letter that Pepco cannot provide the information necessary to determine permit duration because their contracts are confidential. This means that the duration of a permit and associated fees, as set forth under Section 8, cannot be determined in advance of the project. She proposed to issue a permit for the minimum duration of 3 months, if Pepco cannot divulge information on project duration, and renew it as needed. The Council agreed. The provision should be added to Section 8 of the Ordinance. MPT Wilkinson asked to add headers for the columns on construction costs and permit duration in Section 8.

TA Murphy continued that *Section 18 - Right to Appeal* was broadened based on the Council's previous comments. Not only would utilities and contractors be given the right to appeal violation notices, but could also appeal permit-related issues, including denial of a permit. He would like the Council to give additional guidance on this. CM Kulpa-Eddy and MPT Wilkinson thought that the broader right to appeal should remain. Appeals under Ordinance 118 are likely to be a rare occurrence. TA Murphy thought the number of permits issued to utilities could range between 20 to 30 per year.

TA Murphy also called attention to a point made in the MML legal opinion that there must be a clear delegation of authority from the municipal governing body to the Town Administrator or designee to issue or deny permits and enforce the Ordinance. This is spelled out in *Section 12 - Authority of the Town Administrator, Code Department and Police Department* as well as other sections of the Ordinance. Consequently, *Section 6E* needs to be revised to read "The Town Administrator may refuse..." so as to conform with the remainder of the Ordinance.

Dimensions Healthcare System certificate of need, continued: MPT Wilkinson welcomed Attorney Tom Hendershot, who had arrived late. He said that the Council has already approved a letter of support for the proposed new hospital in Prince George's County. Mr. Hendershot thanked the Council for the support and said he would be happy to answer any additional questions. He noted that he serves on the board of directors for Dimensions Health Care, which has entered into a partnership with the University of Maryland Medical System to build the new hospital at the Largo Town Center. The Maryland Health Care Commission requires a certificate of need before it approves any new hospital and advised Dimensions Health Care that letters of support from communities served by the hospital would be helpful.

Responding to questions, Mr. Hendershot said, initially, 5 locations were under consideration for the hospital, but it came down to Landover Mall and Largo Town Center. The County negotiated the contract and was offered a better deal by Largo Town Center. This location is about 5 miles from the current location of the Prince George's Hospital Center in Cheverly, and accessible from the Beltway. The old hospital will be turned into medical offices and will likely collaborate with the Prince George's Health Department still located there. Depending in part on the certificate of need review process, the new hospital could open in 2016.

2. Administration

Four Cities agenda items: MPT Wilkinson said that the next Four Cities meeting will take place on October 23 in Greenbelt. Greenbelt has invited the Director of the Department of Environmental Resources Adam Ortiz to make a presentation on a proposed new animal shelter. The Council added the following agenda items: updates on the UMD golf course redevelopment, FBI relocation and Four Cities promotional video, and the Greenbelt Station development.

63rd Avenue 8900 block sidewalk design: MPT Wilkinson explained that the sidewalk plan to be discussed tonight is for the 8900 block of 63rd Avenue, which leads to the crossing for Greenbelt Middle School. This section will be funded with the Safe Routes to School (SRTS) grant. The plan calls for the sidewalk to be built adjacent to the curb with bump-outs for utility poles, a retaining wall where the slopes are steep, and tie-ins with existing sidewalks and driveway entrances. One of his main concerns is the traffic going in and out of the McDonald's parking lot. He has therefore asked for a railing to be funded as part of the grant. Another issue that needs to be explored is whether the

Presbyterian Church will grant an easement to move a sidewalk further into their property, where the slope is less steep. Mr. Powell is the contact person at the church to talk to about the easement.

TA Murphy said that a lot of re-grading may be required to move the sidewalk further into the property. This could damage the root system of the old oak trees that grow there. Options might also be limited by the topographical survey the engineers still have to perform for this location. CM Kulpa-Eddy noted that the plan locates the sidewalk in Town right-of-way, whereas it would probably be easier to build it further into the property, where an easement is needed. MPT Wilkinson said that it would be useful for the engineers to walk the site with Mr. Powell and himself to discuss the options. He asked if there is a cost estimate available for the sidewalk. TA Murphy said there is none yet, but it will probably come with the final design.

Pop's Park rededication plaque: MPT Wilkinson said that he noticed a plaque at Pop's Park during the reopening ceremony that memorializes the 2002 renovation and rededication. He proposed to add another plaque for this year's renovation: "Pop's Park Rededicated 2013" The Council had no objections. TA Murphy said that the plaque can be funded from the Administration budget.

Employee holiday lunch date: December 13 and 20 were earmarked as possible dates, with a final decision to be made when all Councilmembers are present.

At 8:35 p.m., the Council took a 10-minute break.

Nothing was reported under **3. Code Compliance**, and **4. Parks & Recreation**,

5. Public Safety

Parking at Indian Creek: MPT Wilkinson asked TA Murphy to explain the 'no parking' plan for 56th Avenue included in the agenda packet. TA Murphy said that the plan was first developed with Chief Antolik in June 2012. Implementation was postponed until the grassy area next to the T-ball field had been prepared for parking. Starting at the intersection of 56th Avenue and Seminole Street, no parking is proposed for the entire east side of 56th Avenue to Ruatan Street, marked by a yellow line on the roadway. The owner of 8807 56th Avenue has posted a small 'no parking on grass' sign on the property but is believed not to want a large 'no parking' sign on the property. On the west side, no parking is proposed all along the frontage of the T-ball field, which has a steep embankment, and between the newly prepared grassy parking area and the intersection with Ruatan Street. These, too, would be marked by yellow lines on the roadway.

MPT Wilkinson said that there should be signage that explicitly identifies the 'no parking' area along the T-ball field and directs patrons to the grassy parking area. He suggested posting a sign at each end of the T-ball field saying 'no parking between signs' with an arrow pointing to the other sign. Another sign mounted on the post nearest the bollards should say 'additional parking' with an arrow toward the parking area. CM Kulpa-Eddy said that the parking area itself should have some kind of markings to tell users how to park there. She suggested installing concrete bumpers at a 45-degree angle to guide drivers into the correct slots. MPT Wilkinson said that this would make it difficult for Public Works to mow. Instead, a sign could be posted saying 'front end parking only' to help patrons park correctly.

MPT Wilkinson further suggested the following parking arrangements at the playground entrance: Create one handicap parking space between the entrance and the stop sign at the basketball court;

create a general parking area for front-end parking south of the entrance in front of bollards. CM Almoguera said that if the proposed plan, which shows 3 handicapped spots in front of the bollards, is carried out, it would eliminate prime parking close to the playground. This may reduce the number of people that want to use this park.

CM Kulpa-Eddy said that the stop sign north of the playground entrance could perhaps be moved further away to create more parking close to the park. However, she asked that the plan be reviewed by Chief Antolik to ensure that the parking areas conform with stop sign regulations. She also suggested that the proposed signage and road markings for the revised parking plan be transposed on a Google map to make it easier to understand. The Council can then review it at the next worksession with input from the Chief before approving it.

Nothing was discussed under **6. Public Works.**

The meeting was adjourned at 8:54 p.m.

Signed: *Kerstin Harper*, Town Clerk