



# Town of Berwyn Heights

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## Minutes Worksession December 2, 2013

The meeting was called to order at 7:05 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) James Wilkinson, Councilmembers (CM) Rose Almoguera, Patricia Dennison, and Jodie Kulpa-Eddy. Also present were Town Administrator (TA) Edward Murphy and citizens. Clerk Kerstin Harper had an excused absence.

### 1. Mayor

**Announcements:** There were none.

**Calendar:** The 2014 MML conference will take place in early June to place it before the start of the primaries. Hotel reservations for the conference should be made as early as possible.

**Minutes:** On a motion by CM Kulpa-Eddy, and second by CM Dennison, the November 18 worksession minutes were approved 5 to 0. The November 13 Town meeting minutes were distributed.

**Department Reports:** Mayor Calvo reported that there has been an increase in burglaries, most of them occurring after dark, in empty residences where no one is home. He spoke with Chief Antolik about it, who says the police are focused on the problem and stopping people in Town who look out of place. Residents are requested to do the same and report suspicious persons to the police. Mayor Calvo further reported that long-time resident Kim Durkee passed away recently, and that he recently had a conversation with Delegate Gaines and other delegates about wind energy, which Maryland is exploring as an alternative energy source. He also noted that Prince George's County Public Schools CEO Kevin Maxwell submitted budget amendments to the Board of Education requesting an increase in funding for arts education but was disappointed that school board member Peggy Higgins and Ed Burrows voted against it.

CM Kulpa-Eddy said that the Code Department is busy keeping up with rental inspections. There was only one high grass violation. CM Dennison announced that the holiday tree lighting will take place the coming Saturday. TA Murphy said that the audit is still in progress.

**Citizen Comments:** CM Kulpa-Eddy received a comment about leaf collection. TA Murphy said that

Public Works was behind on leaf collection north of Pontiac Street and will focus its efforts there.

**Ordinance 117 amendment:** Mayor Calvo said the Refuse Collection Ordinance amendment, which discontinues the use plastic yard waste bags, will be up for adoption at the next Town meeting. He asked if the Council had any additional comments or concerns about the amendment. He thinks the resolution adopting the amendment could be simplified by removing the 'Whereas' citing the existing provision about plastic yard waste bags, and keeping only the 'Whereas' citing the provision the way it will read after the change. Councilmembers did not object nor offered additional comments.

Mayor Calvo said, apart from the Ordinance change, the Town needs to ensure that residents are informed about the change. It was proposed to feature a notice on the cover of the January Bulletin, to address the Seniors Club, and reach out to landscaping contractors working in Town. TA Murphy said that he plans to send another postcard to everyone about the yard waste bags. Mayor Calvo said that the reverse side of the card should have the springtime community events schedule. However, the date of the Town-wide Yard Sale and Volunteer Appreciation Dinner need to be set so they can be included.

In a related matter, Mayor Calvo asked why Berwyn Heights does not recycle plastic tableware while Greenbelt does. TA Murphy said that he will look into it.

**Tree removal policy:** TA Murphy explained that the Town has recently been asked by two different homeowners to take down trees that are in the public right-of-way. One tree was removed by Pepco because it had a guide wire running through it. The other tree, located within 25' from the median, has been evaluated by a tree care company, who says it should be removed, which would cost \$3,100. Removing 2 trees would exceed the Town's tree care budget only halfway through the fiscal year. He believes the Town needs a mechanism to independently evaluate whether a street tree must be removed or can be saved with pruning. Further, the Town does not currently apply for a permit from the Department of Natural Resources (DNR) when removing a tree, nor does it replace trees that have been removed, as required by the Maryland Roadside Tree Statute. TA Murphy said that he would like to get direction from the Council on how to proceed in these matters.

Mayor Calvo said he does not understand why the Town must apply for a permit to remove a tree from Town property when residents don't need a permit to remove trees from their property. TA Murphy said that State law specifically requires it. Utilities, too, must obtain a DNR permit when removing trees and generally comply. For example, Pepco had a permit to remove the trees on Edmonston Road. Anyone removing trees without a permit is subject to a fine. Mayor Calvo thought that a request from a resident to remove a tree is not in itself enough reason to proceed with removal. An assessment needs to be made as to whether a tree threatens harm to people or property. However, the assessment should be made by someone other than the contractor who would remove it. TA Murphy said that is what he is proposing.

MPT Wilkinson said that he has talked with Acting Director Lockley about this issue. It was Mr. Lockley's impression that sometimes residents request removal not because a tree threatens harm but because they consider it unattractive or inconvenient. Regarding the request TA Murphy referenced, it may be sufficient to prune the tree to remove the deadwood. However, a neutral third party should make that evaluation.

Mayor Calvo asked whether there has been an increase in such requests to make it an issue now. TA

Murphy said there has been an increase. But it is an issue because paying to remove the two trees would exceed the Town's tree care budget. CM Kulpa-Eddy said that the Council should mark this line item for an increase in the next budget. She suspects that these requests will increase because most Town trees are of the same age and are beginning to die. Having someone come out to evaluate a tree costs between \$200 - \$250. CM Almoguera suggested to have a wholesale assessment of Town trees done periodically rather than on an individual basis. This would help keep the cost down.

Mayor Calvo said that the Council may want to take a second look at selecting a designated Town arborist. The arborist would work for the Town on a pre-negotiated contract to assess the condition of trees and make recommendations about removal but would not perform tree work himself. The arborist would benefit indirectly through references by the Town and a reputation as an expert. Mayor Calvo would also consider adopting a tree ordinance, as other cities have, to put in place a process for removing mature trees and to replace them. Either way, TA Murphy needs to look for a tree expert the Town can retain on a contract to evaluate trees. Mayor Calvo added that it may be smart to have a Town-wide tree trimming done periodically, to get a better price and to avoid having to deal with very costly one-at-a-time removals. MPT Wilkinson said, if this is done, the Town should take the opportunity to clear outgrowth around street lights to improve visibility at night.

***School zones federal policy change:*** CM Almoguera said that, since the State Highway Administration (SHA) threatened to invalidate the Greenbelt Middle School school zone on Greenbelt Road, she has tried to identify the federal policy cited as justification for the action. So far, she has not been able to find evidence of a policy that permits school zones only where a school faces a state highway. She suspects it is a backhanded way to reduce the use of speed cameras set up in school zones. Although she is glad that the Greenbelt school zone was allowed to remain in place, she is inclined to publicly oppose the policy because it affects almost every jurisdiction. All around this area are school zones where the school does not directly face the highway. She wants to make sure that existing school zones remain secure and asked if the Town Council is interested in taking a stand against this policy.

Mayor Calvo said he does not think the policy change has anything to do with speed cameras. It is more likely that it was an instance of a routine revision of regulations or guidelines, the impact of which was not fully considered. However, he never received a written explanation from SHA District Engineer Brian Young why the Greenbelt Road school zone was abolished, and how it will be handled in the future. He suggested to bring the matter up at the upcoming legislative dinner, as Senator Pinsky and Delegate Gaines have jurisdiction in these matters and are in better position to get answers about a school zone policy change.

CM Kulpa-Eddy said that the federal government normally does not deal with state matters such as a school zone change. She suggested CM Almoguera contact US Congressman Steny Hoyer's office for information about this policy change. Mayor Calvo said that it would probably be faster to get an answer directly from the SHA officials that referred to the policy as the basis for removing the school zone. But before doing anything else, the Council should raise the issue with their state legislators next week, who are in the best position to get this solved.

Nothing was discussed under **2. Public Works.**

### **3. Administration**

***Legislative dinner agenda:*** Mayor Calvo said the outline is fine, but some fine-tuning is needed. The

*Thank You* for grants received from the State last year should specifically name the grants. Speed cameras do not need to be mentioned under *Pedestrian Safety*, although the subject is likely to come up. The subject of *Right-of-Ways and Utilities* should be discussed generally rather than in the context of the revision of Ordinance 118. The topic of the *PGC Tax Differential System* was a PGCMA legislative priority. However, Mayor Calvo was not able to confirm whether there is a plan to change the system. County Councilmember Eric Olson knew nothing about it. TA Murphy was asked to find out if and what changes are proposed. The topic of *Education* should be added. It may serve as the starting point for a discussion of PGCPs reforms instituted last year.

***Budget calendar:*** The Council reviewed the budget calendar. The following changes were made: February 3 worksession to feature Police, Parks & Recreation and Neighborhood Watch/Emergency Preparedness budget requests; February 18 worksession to feature Public Works and Code budget requests; March 31 and April 28 budget worksessions held if needed; May 5 worksession to be dropped. May 12 budget worksession to become a regular worksession plus budget discussion; Student Mock Town Council meeting to be held during April 7 worksession; May 19 worksession and June 9 budget worksessions to be held if needed. It was noted that the Maryland Municipal League conference will be held early, June 8 - 11, because of the primaries.

***Budget guidelines:*** Mayor Calvo said that he would like to have a discussion about broad budget goals and priorities in January before directors submit their budget requests. He also would like the directors to make a serious effort to come up with good mid-year estimates when they start putting together their FY 2015 budget requests. TA Murphy can help by providing prior year estimates for this period. At the first January worksession, the estimates would be discussed along with a status report for each department; and at the second worksession, the Council would discuss the broad goals and give guidance to the Town Administrator about what items should be included in the budget, apart from routine spending. At that worksession, the Council should also receive a list of forthcoming budget memoranda so that it can say which ones it would like to have.

***Election calendar:*** Postponed to future worksession.

***Bulletin cover:*** The following items were selected for the January Bulletin cover: Happy New Year theme; no more plastic yard waste bags headline; Town Council elections headline; jumps for Traveling Garden awards reception, election judges sought.

***Emergency generators (added item):*** TA Murphy said that he received revised site plans for the emergency generators today. The engineers discovered that the line of generators would take up more room than was allocated for them in the back of the Town office. Therefore, it is proposed to move the proposed location a little further back toward the asphalt driveway.

The Council stepped out to have a look at the proposed site. Upon inspection, it was decided to recommend that the 30 kWH generator be moved around the corner of the Town office and installed on the outside of the north wall of the current Council office, while the two 60 kwh generators be left where they were originally sited along the rear of the Town office. TA Murphy was instructed to transmit the Council's wishes to the engineers, who will have to revise the site plan.

#### **4. Code Compliance**

***Prince George's County 2035 master plan:*** CM Kulpa-Eddy explained that the County is prioritizing

certain areas for economic development as part of the 2035 master plan it is in the process of drafting. One such area is the *primary employment area* comprised of College Park Metro, Route 1, Greenbelt Metro Area and the Greenbelt Road corridor. Primary employment areas would qualify for tax incentives, targeted infrastructure improvements, support for research and development entities and enhanced access to public transportation. CM Kulpa-Eddy said that, while Berwyn Heights is designated with the City of College Park and Greenbelt as a primary employment area, it is left out of the strategy promoting economic development. She proposed the Council send a letter asking for the Town to be recognized as a partner in the discussions on development strategies.

Mayor Calvo said he agrees that the Town should write a letter to be recognized as a full partner. However, he would like to make a few edits, including moving the request to be recognized as a partner to the beginning of the letter. CM Kulpa-Eddy moved to send the letter with edits that do not substantially alter the meaning. MPT Wilkinson seconded. The motion passed 5 to 0.

The meeting was adjourned at 9:15 p.m.

Signed: *Kerstin Harper*, Town Clerk