



Town of Berwyn Heights

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

Minutes Worksession July 20, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Jodie Kulpa-Eddy, Mayor Pro Tem (MPT) Chris Rasmussen, and Councilmembers (CMs) Patricia Dennison, Maria Robles and Anthony Schreiber. Also present was Town Administrator (TA) Jessica Cowles, DPW Director Adrian Lockley and Clerk Kerstin Harper.

1. Mayor

Agenda: The appeal of a rental code violation was postponed due to a scheduling conflict.

Announcements: College Park Councilmember Patrick Wohan was in a car accident and broke his ankle. Berwyn Heights will send get well wishes.

Calendar: Trunk or Treat Halloween event was added for October 17.

Minutes: On a motion by CM Dennison and second by CM Robles, the June 25 worksession minutes were approved 5 to 0. On a motion by CM Dennison and second by MPT Rasmussen, the July 6 worksession minutes were approved 5 to 0.

Department reports: Mayor Kulpa-Eddy attended a progress meeting on the FBI video project. The videographer Bill Cornett has almost completed the Berwyn Heights video shoot. A clip will be shown during the July 29 Four Cities meeting. A Prince George's County zoning rewrite meeting "Know Your Neighborhood" will take place on July 25 at the Sports & Learning Complex. This Wednesday, July 22, the water will be shut off at the Town office and Town Center due to WSSC water main replacement project. There will be limited availability of water and restrooms. The restrooms at Sports Park should be opened as an alternative. Employees may take a day of unscheduled leave.

CM Schreiber reported that he and Mayor Kulpa-Eddy attended a Prince George's County Municipal Association (PGCMA) meeting last week. The main topic was leadership succession following the resignation of PGCMA Vice President Cheye Calvo, who was designated to take over as President. In his stead, Glenarden Councilmember Maxine Phifer was elected President and Seat Pleasant Mayor Eugene Grant Vice President. In addition, the PGCMA's budget and Pepco's double utility poles were discussed. The current contract for the PGCMA legislative liaison was extended for 60 days, while a

new contract is being reviewed.

CM Schreiber also reported that Public Works hired 3 new employees: crewman Clinton Lewis, administrative assistant Nichelle Howard and part-time crewman Clifton Covington. CM Dennison reported that she attended the Susan Jones concert last week, held indoors due to rain.

Citizen comments: CM Schreiber and Mayor Kulpa-Eddy received comments on the change in the trash pickup schedule and the shorter and longer periods in between pickups this causes for south side residents.

Councilmembers noted that residents can skip a pickup day if there is not enough trash to set out on a particular day. The Town is also promoting recycling and composting to reduce the overall amounts of trash going to the landfill. BHES has a separate paper recycling program that generates some funds for the school. The Green Team has held composting workshops and made composting bins available to interested residents.

MPT Rasmussen received a comment from a resident entomologist who is leading an effort to increase the habitat for the Baltimore Checkerspot butterfly, the Maryland State insect, by planting certain plants the butterfly prefers. He will refer the matter to the Green Team. He also received some comments about code issues. Mayor Kulpa-Eddy also received comments about the door hangers given out to residents who are still setting trash out on Fridays.

Four Cities agenda: Mayor Kulpa-Eddy said that the next Four Cities meeting will be held in Berwyn Heights on July 29. Among the items already on the agenda are presentations by the Department of Permitting, Inspections & Enforcement (DPIE), the Veterans Outpatient Clinic, and the Four Cities video project, among other items. The Council added an update on the North County animal shelter. The topic of school attendance of children from Greenbelt Station south core was proposed but set aside. It was agreed that it should be the subject of a separate meeting with School Board Representative Lupi Grady.

Nothing was discussed under **2. Code Compliance, 3 Parks & Recreation, and 4. Public Safety.**

5. Public Works

Concrete repair recommendations: Director Lockley presented his revised recommendations for concrete repairs to sidewalks, curbs and gutters around the Town ranked by priority. He has identified 762 linear feet of broken, sunk and eroded curbs and gutters on the streets due to be resurfaced in the next 8 years. Replacement of these curbs and gutters would cost \$17,400. In addition, 2,064 SF of sidewalks have been identified that require repairs at a total cost of \$18,280. This includes an optional 664 SF of sidewalks on Ballew Avenue costing \$5,644, as well as a concrete swale at Osage Street and 57th Avenue costing \$4,560. The cost without the Ballew Avenue sidewalks and the concrete swale options would be \$8,076.

In response to Councilmembers' questions, Director Lockley said that the purpose of repairing curbs and gutters is to preserve current roads as best as possible by ensuring even flow of stormwater into the drains. Repair of the concrete swale at Osage Street and 57th Avenue has been taken off the list because it requires more extensive repairs to the roadway. Further, the problem may be resolved as part of WSSC's water main replacement project, which affects this street. WSSC has committed to resurfacing half of the roadway where water mains have been replaced. Director Lockley is the point of contact

with the WSSC contractors, and will discuss the swale with them. The Council earlier considered resurfacing the other half of the streets affected by the WSSC project, but has yet to make a decision.

The sidewalks proposed to be repaired are mostly on Pontiac Street where many students walk to school. The problems are mostly tripping hazards due to lifting or dropping of sidewalk sections as well as some drainage issues. A couple of driveway aprons are proposed to be replaced to mitigate tripping hazards but there is a question if this is the Town's or the homeowner's responsibility. The Town attorney has been asked to look into it because the Town expects this circumstance will continue to come up in the future.

TA Cowles explained that the actual cost of the priority 1 sidewalks project is expected to be at the \$500,000 mark, including add-ons and additional engineering cost. This is below the FY 2015 budget of \$540,000. The money was taken from several sources with \$168,000 coming from the public safety reserve, leaving \$102,000 to help fund additional sidewalk repair work. Money for curb and gutter repairs could be taken from general surplus, the infrastructure reserve or the public safety reserve, depending on the Town attorney's advice.

In a discussion of the Ballew Avenue sidewalks, several options for repairing the sunken and lifted panels were considered, including installation of a root barrier, constructing a raised sidewalk to avoid tree damage, and grinding down or building up the panels to smooth out differences in elevation. It was agreed not to repair these sidewalks now as there is not much pedestrian traffic on Ballew Avenue. Restoration may be considered as part of a possible overall redevelopment of the industrial zone, once the Greenbelt Station development has been completed.

CM Schreiber moved and MPT Rasmussen seconded to approve \$17,425 for curb and gutter repairs outlined in Director Lockley's memo, and \$8,280 for sidewalk repairs on Pontiac Street with money taken from the public safety reserve, if possible, and/or from the general surplus, if curbs and gutters cannot be funded from the public safety reserve. The motion passed 5 to 0.

The Council also postponed the deadline for issuing fines for putting trash out to the curb on Fridays to August 7.

At 8:50 p.m., the Council took a 5 minute break.

4. Administration

Minutes review process: Clerk Harper said that in 2004, the Council revised Council Rule 3, which guides the minute writing and review process. It also sets standards for what should be included in the minutes and how the content should be ordered. The Rule is silent on whether minutes that record only the decisions of the Council (action minutes) are acceptable. Maryland law allows for video recordings to serve as the official record.

Mayor Kulpa-Eddy said that this item is on the agenda because MPT Rasmussen thought that the Council spends too much time on reviewing the minutes. She offered to proofread the minutes before they come before the Council to minimize the time spent on approval. She did so with the minutes approved today, which took much less time than before. However, her edits will be confined to spelling and grammar. Substantive changes remain to be made at Council meetings. The Council had no objections.

MPT Rasmussen said he believes that the minutes could be shorter without negatively affecting open government norms the Town tries to follow. This would also reduce the amount of space taken up by minutes in the Town Bulletin and reduce production costs. Mayor Kulpa-Eddy suggested MPT Rasmussen put together a memo, or an example of how more compact minutes should look.

Ordinance 109 - Elections revision: Clerk Harper explained that the Election Ordinance was last amended in 1999 and no longer reflects how the Town conducts its Town Council elections. The main problem areas that need to be addressed include:

- Redefine makeup and responsibilities of the Board of Election Supervisors (election judges). The Board currently consists of 5 election judges, including one Chief Judge but no clerks. Election judges' responsibilities are limited to staffing the polling place on election day, and supervising the voting and vote counting;
- Redefine responsibilities of the Town Clerk (or Town Administrator) to include those detailed in Section 3-A. At this point, the Town Clerk manages the election process, with the exception of election day. This includes interfacing with the Council candidates on filing their papers and financial disclosures; with the PGC Board of Elections on voter registration and certifying election results; and with the election judges on training, preparing ballots and supervising the voting;
- Incorporate the latest State election law changes on provisional voting and absentee voting;
- Add provisions on write-in candidates if less than 5 citizens run in a given election. This should comprise paperwork to be filed by late declaring candidates and any privileges granted them.
- Formalize the election calendar;
- Formalize candidates' night;
- Clarify posting of election signs;
- Clarify machine versus paper ballot voting; and
- Delete or summarize overly detailed instructions for machine voting and paper ballot voting in Section 3-B and 3-C of ORD 109.

In response to Council questions, Clerk Harper said that the filing of financial disclosures is set forth in the recently amended Ethics Ordinance. Several rules pertaining to write-in candidates were adopted in April 2014, when only 3 candidates had filed for the Town Council election. Two late declaring candidates were granted quasi-formal status and were listed on the specimen ballot after filing financial disclosures and candidate petitions.

Mayor Kulpa-Eddy asked about the process for updating the Ordinance. TA Cowles recommended using Clerk Harper's bullet points to produce an amended Ordinance with tracked changes. Then the Ordinance would be introduced with a public hearing and adopted after a second reading, at which time public comments can also be made. Mayor Kulpa-Eddy said that the Ordinance could be revised in sections to break down the work into more manageable portions. At a minimum an outline of the amended Ordinance should be produced for the Council's consideration at the next worksession with the aim to introduce a draft Ordinance in September and adopt it in October.

The meeting was adjourned at 9:27 p.m.

Signed: *Kerstin Harper, Town Clerk*