



Town of Berwyn Heights

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Minutes Worksession May 4, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Jessica Cowles, Chief of Police Kenneth Antolik, Clerk Kerstin Harper and Mike Attick.

1. Mayor

Announcements: Mayor Calvo announced that he will retire following the May Town meeting to pursue a professional opportunity that will not leave time for remaining on the Town Council. In conformance with the Berwyn Heights Charter, MPT Kulpa-Eddy will become Mayor. Mayor Calvo's seat on the Council can be filled by appointment or special election.

Calendar: The June 8 worksession was proposed to be moved to June 1. The date for PGCPs' last day of school was corrected as June 23. The date for the Volunteer Appreciation dinner was set for June 17.

Minutes : On a motion by CM Dennison and second by MPT Kulpa-Eddy the April 6 worksession minutes were approved 5 to 0. On a motion by CM Schreiber and second by MPT Kulpa-Eddy, approval of the April 13 budget worksession minutes was postponed to later in the meeting because information about the preceding executive session needed to be looked up.

Department reports: Mayor Calvo reported that he heard back from PGCPs CEO Kevin Maxwell's office regarding the letter the Town Council sent requesting a meeting pertaining to BHES school grounds. He declined to schedule a meeting with Dr. Maxwell and requested to meet directly with appropriate staff. He is still waiting to hear back. Mayor Calvo met with the Mayors of University Park and Riverdale Park about the next meeting of the Route 1 Coalition, which will be hosted by Riverdale Park but probably not take place before summer.

CM Dennison reported that the Town celebrated a great Berwyn Heights Day and thanked all those who organized the event. Sharmila Bhatia was named citizen of the year, and Jan Knutson delighted with his performance of jazz guitar pieces. MPT Kulpa-Eddy said that some late night plumbing repairs needed to be made to the Town Center kitchen sinks before Berwyn Heights Day so that the Pancake Breakfast could proceed.

CM Rasmussen reported that the Town Council hired Freddie Glass as the new Code Supervisor. Mr. Glass has extensive code experience and most recently worked for North Brentwood and the City of Bowie. His first day will be May 13. CM Schreiber reported that Public Works employees Derek Spottswood and Emerson Ellis resigned and Dannielle Banjoman was hired for the hybrid administrative assistant/ crewman position.

Citizen comments: Mayor Calvo received a comment that the owners of the Staples property are not cutting the grass along Seminole Street as they are supposed to. He also received comments on the sidewalks, and children at play signs. MPT Kulpa-Eddy received a comment about the Public Works crew working late into the evening. TA Cowles said that the crew needs longer to finish the pickup as they are 2 employees short. CM Rasmussen received questions about when the Metro pedestrian bridge will reopen. TA Cowles said there is no set time frame yet. Metro engineers are assessing the structural integrity of the remaining bridge section and are looking for a vendor that might be able to fabricate the missing section.

Mike Attick asked why the Town is budgeting \$30,000 to maintain the bridge if it is Metro's responsibility to repair. He was told the town budgets around \$2,500 to keep it properly lit and cleared of snow. Mike Attick further commented that a neighbor is placing trash bags at the side of the road because Public Works reportedly does not pick up their 45-gallon trash can. The bags are torn open by animals that scatter the trash. TA Cowles was asked to look into the matter.

Body cameras: Mayor Calvo welcomed Chief Antolik for a presentation on body cameras for police officers. By way of a preface, he said he had the chance to discuss the many policy implications of this subject while serving on the Constitution Project Committee on Police Reforms. The issue is not just whether to have them but how to use them. Questions include: when should they be turned on; should they be used inside people's homes; do officers need to request permission to record; and are the recordings subject to the Public Information Act, among others.

Mayor Calvo wondered whether body cameras are the solution to a problem Berwyn Heights police does not have. Unlike police forces in a big city, such as Baltimore, Berwyn Heights police has a good relationship with its citizens. Body cameras might change this largely positive dynamic. The availability of new technology does not mean that it must be used.

Chief Antolik said that the perception of police officers has changed over the last half century. Today many citizens see often heavily armed police in an adversarial light, not as protectors who keep neighborhoods safe. There is also a proliferation of cameras recording public venues and in the hands of private citizens. Frequently, the video taken by citizens on their cell phones is selective and shows police in an unfavorable light. In court, unbiased video evidence taken by a body camera can be a powerful tool for prosecutors, eliminating disputes of facts and enabling faster summary judgments. The use of a body camera also tends to induce more professional behavior in officers and more civility in those engaged with an officer. In conclusion, body cameras can be a counterweight to often biased, private videos, and prevent public perception of the police as being unjust.

Chief Antolik demonstrated a 1st and 2nd generation body camera the Department has purchased with a Secret Service grant. The newer camera is lighter, records longer, and is worn on the lapel. When deployed, a Berwyn Heights police officer might turn it on for a traffic stop and turn it off when the incident is over. After the shift, the video will be uploaded to a dedicated laptop and kept for one year,

or 3 years if the incident is being litigated.

Mayor Calvo asked Chief Antolik to give a summary of the State law recently passed by the legislature that authorizes the use of body cameras. Chief Antolik said the law authorizes uniformed, on duty police officers to record the public when responding to a call for service and in most other circumstances, provided they display their badge and notify those with whom they engage they are being recorded. However, the specific standards are still to be written by the Maryland Police Training Commission and Maryland State Police.

Mayor Calvo commented that the policy submitted by Chief Antolik gives very broad discretion to the officer as to when he can activate the camera. It probably needs to be more specific about when the camera is to be used, and not used. For example, he would not want minors recorded needlessly. Nor would he want the camera to become an impediment to developing relationships with residents. Cameras make sense during traffic stops, when serving a warrant or when pursuing a suspect. On the other hand, he is less sure about using it when responding to a call about domestic violence, which may have implications for the victim's privacy. He hopes the State will give clear guidance on the circumstances for using the camera.

CM Schreiber asked what weight is given to a civilian's request to turn the cameras off, for example during a traffic stop. Chief Antolik said, if the policy requires cameras to be used during a traffic stop, the request will not be granted. CM Rasmussen commented that a Berwyn Heights policy for body cameras is perhaps premature because the State has not yet come out with its guidelines. The topic might be considered for discussion during a Town meeting to hear what residents think about them.

Mayor Calvo said he thinks this policy needs refinement. He also has misgivings about the Police spending money, in the form of Secret Service credits or otherwise, without Council oversight. The existing cameras were obtained without his knowledge or Council approval. Secret Service credits are funded from asset forfeitures. Asset forfeiture programs are prone to abuse as they are often run with insufficient oversight. He would want the Council to authorize all purchases from asset forfeitures.

Mayor Calvo further noted that special care should be taken about when making recordings inside private homes. Any video of a private residence, regardless of whether it was the scene of a crime or not, is subject to the Public Information Act (PIA), and might be requested by private citizens or the press. Chief Antolik said that there are exemptions from disclosures under the PIA. Mayor Calvo concluded noting that there are many implications to using body cameras, which should be considered when writing a policy for Berwyn Heights. The Council may want to take this up again after the Police Training Commission has published its standards.

At 8:32 p.m., the Council took a 10 minute break.

Prince George's County tax increase: MPT Kulpa-Eddy explained that Prince George's County has proposed a tax increase of 15 cents per \$100 of assessed real property valuation as part of its FY 2016 budget, as well as increases in personal property, telecommunications and hotel taxes. The increases would mainly fund the County's "Investing in Our Schools" initiative, which expands pre-k and breakfast programs, and appropriates more money for neighborhood schools, reduction of class size and availability of technology. Homeowners earning less than \$60,000 per year are eligible for a State tax credit to reduce the burden of the tax increase. The County Council has requested feedback from citizens.

MPT Kulpa-Eddy said so far everyone she has spoken to does not want the tax increase. She too has misgivings and would like to know if the Town Council wants to take a stand on the matter. Mayor Calvo said that he has gained the same impression from the comments he received. There are two reasons for opposing the tax increase: 1) the amount of additional money extracted from residents would by far exceed the amounts returned to the schools serving Berwyn Heights students; and 2) it overturns TRIM, a longstanding cap of the County's real property tax rate at 96 cents passed by citizen initiative, as well as a more recent restriction, "Truth in Taxation," requiring the County to put all tax increases on the ballot.

Mayor Calvo continued that the County maintains it has the authority to raise the tax rate because State law allows setting aside voter imposed tax restrictions to fund the school system's "maintenance of effort." However, the proposed tax increase would exceed the amount required for "maintenance of effort" by \$170 million, and raises all kinds of concerns about how the County would spend this money. For his part, he strongly favors taking a stand against the tax increase.

CM Schreiber said he has heard from other families with school-aged children about the need to fund schools but they do not trust the stewards of the money. CM Rasmussen noted that this would make tax rates in Prince George's County the highest in the Washington area. On a motion by CM Rasmussen and second by CM Dennison, the Council voted to oppose the proposed 15 cents increase in the Prince George's County real property tax rate. MPT Kulpa-Eddy will work with TA Cowles in drafting a letter to submit to the County Council.

2. Administration

Sidewalks update: TA Cowles said that this week the contractors will begin to work on the sidewalks in front of the school and finish the 8900 block of 60th Avenue. To date change orders have added \$7,200 to the cost of the project, which the engineers expect to recoup. Previously contemplated additional improvements include: 1) resurfacing the entrance portion of the Town Center parking lot at a cost of \$5,000; 2) redoing the lead walk and driveway and sprinkler systems at the Lord & Simmons property at a cost of up to \$8,000; and 3) adding 2 flashing lights on both sides of the fire house alerting pedestrians to exiting fire trucks and ambulances at a cost of up to \$5,000. In addition, the Lord & Simmons property has upgrades to the retaining wall costing up to \$2,000, which were negotiated as part of the easement agreement.

MPT Kulpa-Eddy asked how much money has been spent on the project so far. Mayor Calvo said that the Council has committed about \$475,000 of \$540,000 budgeted for the sidewalks project, including engineering costs. Thus the project is \$65,000 under budget. However, the speed camera revenues, with which much of the project was funded, have declined after the State imposed a 20 mph speed limit in school zones. This means more funding will have to come from the Metroland reserve.

CM Rasmussen moved and CM Dennison seconded to authorize additional expenditures of up to \$20,000 to complete the change orders outlined by TA Cowles. The motion passed 5 to 0.

TA Cowles informed that the 63rd Avenue sidewalks project still requires SHA to sign off on the bid package before the Town can go out to bid. She has been pushing SHA to approve the bid specifications while the sidewalks contractor is still in Town in the hope of getting a better price, and to avoid carrying the project over to the next fiscal year.

Bulletin cover: The following items were approved for the June Bulletin cover: Yard sale theme and headline; announcements for FY 2015 budget amendments, and Council vacancy.

3. Code Compliance

Commercial Clean Lot amendments: TA Cowles reviewed the latest changes and open questions regarding the Commercial Clean Lot Ordinance. The following issues were decided:

Section 6 B - Tall Grass and Weeds: It was agreed to prohibit grass or weeds from growing in or into driveway aprons, sidewalks or the Town right ways. Any plantings are subject to the approval of the Town Administrator.

Section 9 C- Town Abatement: It was agreed that the Town may abate a regular order violation after 10 days of continued violation. After some discussion, it was further agreed that the Town may abate any violation that requires an immediate correction after 1 day, as set forth in the current Ordinance. Violations in this category comprise imminent threats, abandoned vehicles, parking on an unauthorized parking surface and building security issues. It was noted that the authority to abate does not mean a requirement to abate.

Section 9 - Time frames for Notice of Violation and Penalties: It was agreed to eliminate the time sensitive enforcement schedule for commercial clean lot violations. All violations previously in this category will be enforced in accordance with the regular order schedule, by which a fine is issued after 7 days of continued violation from the date of notice. This includes hazardous conditions of exterior property.

With the above changes, the Ordinance was cleared for adoption at the May Town meeting.

Nothing was discussed under 4. **Parks and Recreation.**

5. Public Safety

Traffic & Parking Ordinance fee and fine schedule: The Council agreed to adopt Resolution 03-2015, which adds a \$60 fine for failure to attach a license plate in the front and rear of a vehicle for which 2 license plates are required, at the May Town meeting.

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

7. Budget

Urban tree initiative: CM Rasmussen presented a framework for an urban forest initiative. He said that the loss of mature trees due to removals by utilities, government agencies and private home owners, as well as through disease and old age can be stopped by comprehensive approach of tree maintenance, replanting and education. He proposed a 5 step program to be implemented:

1. Devising an urban forest plan with the help of a consultant, the Green Team and/ or a reconstituted Shade Tree Board.
2. Funding tree acquisition through matching funds of available grant programs.
3. Clearing invasive species from Town right-of-ways and public land.
4. Training and certification of a Public Works employee as an arborist.
5. Educating residents about tree maintenance and invasive species.

CM Rasmussen said that this approach calls for setting aside up to \$10,000 for developing a plan with the help of a consultant, and \$5,000 for an assessment of the Town's existing tree canopy, plus a small amount for year one tree planting.

TA Cowles said that she identified a couple of consultants that perform this type of planning, usually in the context of a zoning master plan. The critical piece is reviewing and updating of the Town's Urban Tree Ordinance to create the legal parameters for a future tree program. In addition, there is a need to engage stakeholders, possibly in the form of charettes, to develop a vision for an urban forest program, as well as to gain an understanding of the current condition of the Town's tree canopy through a formal inventory. There may be grants available to undertake such a study and develop a master plan.

Mayor Calvo said he suspects there is some flexibility in negotiating the price for a consultancy. He also suggested looking into leveraging resources of SHA and Department of Natural Resources in developing a plan and restoring the buffer along Edmonston Road. When rewriting the Urban Forest Ordinance, the Council may want to think about not making it as restrictive as Takoma Park's and limiting protections to significant trees. However, he supports budgeting \$15,000 for the tree initiative from the Metroland reserve. CM Rasmussen so moved. CM Dennison seconded. The motion passed 5 to 0.

Minutes, continued: TA Cowles provided the missing information needed to approve the April 13 budget worksession minutes. She said that CM Schreiber had moved and CM Dennison had seconded the motion to open and to close the executive session prior to the April 13 worksession for the purpose of interviewing code supervisor candidates. On a motion by CM Schreiber and second by CM Dennison, the minutes were approved 5 to 0 as amended.

8. Executive Session (9:46 p.m - 10:06 p.m.)

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

The meeting was adjourned at 10:06 p.m.

Signed: *Kerstin Harper, Town Clerk*