



Town of Berwyn Heights

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Minutes Worksession May 12, 2014

The meeting was called to order at 7:04 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tern (MPT) James Wilkinson and Councilmembers CMs Rose Almoguera, Patricia Dennison and Jodie Kulpa-Eddy. MPT Wilkinson arrived half an hour late due to work-related reasons. Also present were Town Administrator (TA) Edward Murphy and Clerk Kerstin Harper.

1. Mayor

Announcements: The results of the May 6 Town Council election were announced. Cheye Calvo received 239 of 283 votes cast and will be Mayor, Jodie Kulpa-Eddy received 157 votes and will be Mayor Pro Tern, Patricia Dennison received 125 votes, Anthony Schreiber received 88 votes, and Christopher Rasmussen received 80 votes.

Calendar: The Council will need to schedule a date to interview candidates for the Code supervisor position. The Town Administrator search will probably commence in September 2014.

Minutes: On a motion by CM Kulpa-Eddy, and second by CM Dennison, the April 7 worksession were approved 4 to 0. On a motion by CM Kulpa-Eddy, and second by CM Dennison, the April 14 budget worksession minutes were approved 4 to 0. The March 10 budget worksession minutes, tabled from a previous meeting and to be corrected at this meeting, will be made available for adoption after the break.

Bulletin cover (discussed out of order): The following items were approved for the June Bulletin cover: Yard sale theme; announcements for tipping day, volunteer appreciation and election results; jumps for budget amendments, school's out.

Election post-mortems (discussed out of order): Mayor Calvo said this Town Council election demonstrated the need for changes in the election process. The counting of the paper ballots has been done differently in each of the three elections in which paper ballots were used. This time, the election judges, after a discarded count, decided to pull out all ballots on which all 5 candidates running were checked off, (approximately 25%) and then all ballots on which all 3 named candidates were checked off. With that done, the tallying of the remaining ballots proceeded much faster. This simplification might be captured as part of a set of formal guidelines for election judges. On the other hand, the disqualification of an entire ballot, on which one candidate's name was written incorrectly, was

probably wrong. Only the incorrect vote on the ballot should be discarded, while the others should be counted. Again this could be adopted into formal guidelines.

Mayor Calvo further suggested that the deadline for requesting absentee ballots be modified so that absentee voters can request a ballot in person until Election Day. Currently, the Town's Election Ordinance sets the deadline at one week prior to the election. This makes sense if a resident requests that the ballot be sent to him or her by mail. But it is not needed if the resident comes to the Town office and requests the absentee ballot. The resident requesting the absentee ballot in person can also turn in the completed ballot at the same time. The office keeps a register of all persons who requested an absentee ballot, which is given to the election judges along with all absentee ballots on the day of the election.

The Council has already issued several rules regarding write-in candidates to allow them to participate in candidates' night and to be listed on a sample ballot posted in the polling station if they submitted a Petition of Candidacy and a financial disclosure. However, it was inappropriate for election judges to highlight the write-in candidates on the sample ballot at the expense of the declared candidates. Only if asked should they inform the voter of the write-in candidates' names.

TA Murphy noted that the Town Attorney advised to delete any reference to State election law from the Town's election ordinance because State law has many requirements the town does not follow. CM Kulpa-Eddy suggested that a sample ballot be posted in the polling booth as well. Mayor Calvo disagreed because this would essentially put write-in candidates on par with declared candidates. The Town should encourage candidates to declare formally by the regular deadline and discourage the write-in route. CM Almoguera suggested the Town use something other than science backboards to function as a polling booth, and to purchase a sign as for Berwyn Heights Day to announce Town Council elections. Mayor Calvo said additional signs should be purchased for use in other elections.

Clerk Harper said that the Town's election ordinance contains many provisions that are no longer relevant to the election process. The Council may want to consider updating it. Mayor Calvo replied that Ms. Harper, who coordinates the elections, should go through the ordinance and recommend changes that need to be made. A revised ordinance should omit the step by step instructions of the voting process and focus on the essentials. However, a clarification of the provisional voting process and Town supplemental registration could be added. Detailed guidelines to the election judges, such as discussed today, might be enacted in a resolution that can be changed more easily.

Department Reports: MPT Wilkinson reported that Public Works cut the grass at the school field and was busy with Berwyn Heights Day preparations and cleanup. They did not staff the electronics recycling in Greenbelt because it was on Berwyn Heights Day. He appreciated receiving a plaque for his service with the Town Council. CM Kulpa-Eddy reported that the Code supervisor position has been advertised and a number of applications have been received. The Code Department is dealing with a lot of high grass violations after recent rains. Residents are requested to keep their grass below 10". CM Dennison reported that Berwyn Heights Day went well and that the Volunteer Appreciation dinner will take place on June 18.

CM Almoguera said that the Playgroup has a new coordinator, Jaime Sampson, whose contact information is in the Bulletin. The Playgroup's Facebook page has been renamed "berwyn heights exchange." CM Almoguera is turning over a Playgroup that is now 86 families strong, up from 5

families when she took over in 2010.

Mayor Calvo reported that Berwyn Heights Day went off very smoothly with only a little confusion in lining up the parade. It worked out well to have the bagpipes play at the end of the ceremonies as people stayed around to hear them. Mayor Calvo also reported that two serious crimes occurred during the last month. One was a carjacking at the new 7 Eleven, committed by two Berwyn Heights juveniles. They were tracked to a home on 56th Avenue by a Park Police K-9 unit. This house has been a source of trouble for quite some time and generated over 100 emergency calls in the last couple of years. However, the night after the carjackers were arrested the house was vacated by those who lived there. The other crime was a burglary on 63rd Avenue. Officer Ignowski arrived at the scene in time to chase them down and arrest them.

Citizen comments: MPT Wilkinson received a number of compliments on his service as Town Councilmember. He also learned that a couple of cars parked alongside the T-ball field on 56th Avenue got stuck in the mud. The drivers did not know they could park on the grassy parking area. This could have been avoided if signage directing park users to the parking area had been posted. Furthermore, it appears that the police are not sure where cars are supposed to park either. At least one T-ball parent was told by an officer not to park on the grassy area. Last year, the Council approved installation of a whole series of signs and marking of pavement as part of an Indian Creek parking plan. It appears the plan was not communicated to the department directors for implementation. CM Kulpa-Eddy said she received a comment about the swampy area near the T-ball field, which could perhaps be drained with a culvert under the bike path.

At 8:08 p.m., the Council took a 5-minute break.

Ordinance 121 - Executive Powers & Duties: The Council reviewed draft 7 of the Ordinance, which incorporates proposed edits by CM Kulpa-Eddy, MPT Wilkinson and Mayor Calvo. Mayor Calvo explained his changes.

In *Section 10 - Duties of the Town Administrator* Subsection (L) it is clarified that the Town Administrator (TA) is responsible for ensuring that all employment-related decisions conform with the Town's personnel manual, the Town budget, and state and federal law. The Town Council decides or approves all employment matters regarding directors and core function supervisors.

In *Section 10 (B)* it is clarified that the TA prepares Council meetings under the direction of the Mayor, who is responsible for setting the meeting agenda. In Section 10 (P), a provision was deleted that gave the TA authority to "sign on behalf of the Town any contract authorized by Town Council." The Town Charter designates the Mayor to sign contracts and agreements. The Council had no objections.

CM Kulpa-Eddy explained her comments and questions. The following edits were approved:

In *Section 7 - Chief Administrative Officer*, the TA is responsible to the Town Council for the proper administration of the Town, as well as for the execution of Town ordinances and for compliance with state and federal laws.

In *Section 8 - Acting Town Administrator*, the TA may designate in writing different employees as acting Town Administrator and as acting Chief Financial Officer after informing the Town Council. In the event of a prolonged absence, the Town Council shall appoint an acting TA who shall serve until the TA is able to resume his duties or a new TA or acting TA is appointed.

In *Section 11 - Matters Directed to Town Administrator's Attention*, a provision was revised to read "all formal departmental and employee requests to the Town Council must be submitted to the TA in

advance for instructions on current policy and procedures, options and actions."

In *Section 12 - Interaction*, a provision was left standing that encourages department heads not to give orders to subordinates and work with the TA to accomplish individual goals for their department. It was clarified that the TA may suspend operational directives of a department head if they are in conflict with existing Town policies and procedures until the Town Council can address the issue. Department head was added as a defined term in *Section 2 - Definitions* as the Councilmember having charge of the policy direction of a department.

In *Section 13 - Removal* a core function supervisor was given the same standing with regard to removal from office as a director, acting director and TA, who may be removed in accordance with the law by a majority vote of the sitting members of the Town Council. Generally, those officer's appointed by the Council will also be removed by the Council.

TA Murphy was asked to make the above changes by the next day and submit the Ordinance to the Council for review prior to adoption at the May 14 Town meeting.

Nothing was discussed under **2. Public Works** and **3. Administration**.

4. Code Compliance

Resolution 04-2014 increasing rental housing fines: TA Murphy presented a resolution showing the revised fines for missed appointments for rental inspections and incomplete re-inspections. Mayor Calvo said the thought that the fine for a 3rd missed appointment was set at \$150 rather than \$175. MPT Wilkinson said that it may be better to set it at \$200, which would reflect the doubling of all fines the Council changed at the last worksession. He so moved. CM Dennison seconded. The motion passed 5 to 0. TA Murphy was asked to include previous fines as strike-throughs for adoption of the resolution at the May 14 Town meeting.

Berwyn Heights Day post-mortems: The Council flagged several problems encountered on Berwyn Heights Day, including continued water problems from poor drainage in front of the concession stand bathrooms, no toilet paper in the women's bathrooms, missing large serving trays and a malfunctioning power strip at the pancake breakfast.

Minutes (continued): MPT Wilkinson moved to adopt the March 10 budget worksession minutes. CM Dennison seconded.

The minutes were adopted 5 to 0.

5. Parks and Recreation

Items were discussed under Mayor's agenda.

6. Public Safety

Police car purchase: TA Murphy recalled that the Council postponed the decision to purchase a new police car because it had reservations about the size and model of the car recommended by Chief Antolik. He also spoke with the dealer about purchasing a police car in January 2015, which the Council was considering. He learned that if a vehicle is ordered in January it won't be delivered until March. It takes 3 months for the manufacturer to fill an order. The Town will also be charged a higher 2015 model price, rather than the 2014 price it would pay if it follows through with the order it placed in March of this year.

TA Murphy further explained that the Chief recommends purchasing the larger Ford SUV because most of the Town's officers are tall and will not be comfortable in a smaller Dodge Charger. In addition, the officers have to carry more things in their cars because they do not have specialized vehicles, such as paddy wagons to carry prisoners. Instead, a cage may need to be installed in the backseat. This particular vehicle will be assigned to the Town's DARE officer, who carries educational materials in addition to the weapons, evidence kits and other standard equipment. Therefore, he recommends going forward with the purchase of the Ford SUV, for which a purchase order has already been issued in order to reserve it for a July delivery. The Council consented.

School zone speed limit change: Mayor Calvo informed that the State Legislature recently revised the speed camera law to raise the minimum speed limit for school zones from 15 mph to 20 mph, among other things. This means that the Town can only issue speed camera tickets to drivers who go more than 32 mph in the school zone on Pontiac Street because tickets can only be issued when drivers exceed the posted speed limit by more than 12 mph. The Town will at some point have to post new speed limit signs.

MPT Wilkinson commented this will probably affect FY 2015 speed camera revenue projections, which may have to be lowered. Mayor Calvo agreed but noted that most of the revenue comes from the speed camera on Greenbelt Road. He wondered if the Council needed to change a Town ordinance or resolution to comply. CM Almoguera said that she would not take any action, but simply not issue tickets unless cars go faster than 32 mph. She said this legislation is wrong headed and makes school zones less safe. Not only does it reduce the size of the school zone from a 1/2 mile to a 1/4 mile radius, but allows drivers to go faster there as well. The Council agreed.

7. Budget

TA Murphy said that health insurance premiums were raised by another 2.3% in the last quarter, but the appropriation in the introduced FY 2015 budget is sufficient to cover the increase. Further, he also plans to propose a composite health insurance premium, which redistributes premiums so that older employees and employees with children will not bear as much of the increases as they otherwise would under the Affordable Care Act. Mayor Calvo said he is skeptical about the proposal and wants to see actual numbers before considering such a change. On a different note, he will propose that the Town pay Medicare Part B expenses for employees over 65 rather than keep them on the Town's Care First plan.

Mayor Calvo proposed that the Council appropriate \$10,000 from surplus to contribute to a feasibility study for an animal shelter serving the Route 1 corridor. This money would only be spent if the study is actually done. MPT Wilkinson so moved. CM Dennison seconded. The motion passed 5 to 0.

Mayor Calvo asked if the FY 2014 budget covers all the anticipated expenses related to the TA and code supervisor search. TA Murphy said a small amount may have to be set aside for advertising in the FY 2015 budget. Mayor Calvo suggested this be financed with a FY 2014 budget amendment. Similarly, the code supervisor search can probably be paid out of the FY 2014 Code Department budget because of the salary lapse. CM Kulpa-Eddy agreed that there are sufficient funds.

MPT Wilkinson asked if any money is left in the kitty. TA Murphy said there is \$1,400 left. He was advised to reduce the sum taken from surplus by this amount. Further, TA Murphy was asked to provide

the budget ordinance to the Council for review prior to adoption at the May 14 Town meeting.

The meeting was adjourned at 9:45 p.m.

Signed: *Kerstin Harper, Town Clerk*