



# Town of Berwyn Heights

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## Minutes Worksession February 18, 2014

The meeting was called to order at 7:03 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) James Wilkinson, and Councilmembers (CM) Rose Almoguera, Patricia Dennison and Jodie Kulpa-Eddy. Also present were Town Administrator (TA) Edward Murphy, Clerk Kerstin Harper, Acting Director of Public Works Adrian Lockley and citizens.

### 1. Mayor

**Announcements:** PGCPs Chief Academic Officer Duane Arborgast tendered his resignation. He plans to work at the Children's Guild, a Baltimore non-profit working with special needs children.

**Calendar:** The date for the next Four Cities meeting needs to be confirmed.

**Minutes:** On a motion by CM Dennison and second by MPT Wilkinson, the February 3 worksession minutes were approved 5 to 0.

**Department Reports:** MPT Wilkinson reported that Public Works today completed trash pickup for the entire Town after last week's second pickup was canceled due to the big snow storm. Acting Director Lockley was notified that the State Highway Administration (SHA) will complete the renovation of a series of off/on-ramps for Kenilworth Avenue, including the Pontiac Street/ Edmonston Road intersection, this spring. The work has been delayed by bad weather. Mayor Calvo noted that the harsh winter has been hard on Town streets. He asked if anything has been done to close a large pothole on 58th Avenue at Berwyn Road. He was told that Public Works has put down a temporary patch.

CM Dennison reported that the Historical Committee's Presidents' Day event was very well attended and featured an informative talk by UMD Archivist Doug McElrath. She also announced that PGCPs' Chief Academic Officer Arborgast resigned. Mayor Calvo said he is disappointed about the departure. CEO Maxwell is likely to fill the position with a member of the team he brought with him. CM Almoguera reported that the Administration Department is busy with budget preparations. Also, Playgroup's regular meeting takes place on Mondays at 10 am at the Town Center until the weather gets warmer. Interested parents can join the Playgroup's Facebook page at *pgconsignments* to find out about impromptu play dates, as well as other information relevant to families with young children.

Mayor Calvo said that his meeting with County Executive Baker has been postponed. Meanwhile, he

has spoken with County Councilmember Olson about the permitting process for stormwater management projects, which takes place in the Department of Permitting, Inspections and Enforcement (DPIE). It still needs to be determined whether State law allows DPIE the flexibility to waive quantitative guidelines for offsetting stormwater runoff, which Berwyn Heights requested for its proposed stormwater mitigation project at the Public Works yard.

**Citizen comments:** Mayor Calvo received praise from many residents for Public Work's snow clearing operations. It was noted, however, that the plows stuck to the middle of the road and left a lot of snow piled up along the sides. This meant more shoveling for home owners who had to clear a longer path out of their driveways. CM Dennison received a suggestion to publish snow alerts in Spanish, so the Town's Spanish speaking residents are also informed about weather-related cancellations of services.

CM Kulpa-Eddy received another comment about an overfilled recycling dumpster in the Staples parking lot. The dumpster belongs to the new Domino's Pizza. The restaurant appears not to be overly careful about disposing its garbage, and is mixing soiled cardboard in with recyclables. CM Kulpa-Eddy also received a suggestion that residents park on one side of the street during a snow storm, so the plow can clear to the curb, and then switch parking to the other side the next day to complete the curb-to-curb clearing. This is the procedure in cities like Milwaukee, which get a lot of snow. Mayor Calvo said he believes Prince George's County also does this on a voluntary basis. The question is whether to enforce the regulation if residents do not comply, either by fining the owner or towing the vehicle. If a new system is adopted, it would have to be in place prior to a snow storm.

**Code budget request:** TA Murphy, Acting Director of the Code Compliance Department, presented the Code budget request. He said that the Code budget remains mostly unchanged from last year with the exception of the *salary & wages* appropriation. The FY 2015 budget funds 1 full-time position at a salary of \$65,000 per year. It also budgets 20 hours/week for the first part-time officer as opposed to 10 hours/week last year; 12 hours for the Code clerk as opposed to 10 hours last year; and nothing for a second part-time officer as opposed to 8 hours last year. This is net increase of 4 part-time hours/week. The appropriation has enough money to add a second officer if the hours of the other part-time employees are reduced. TA Murphy explained that he budgeted 20 hours for the first officer because this is the minimum amount of time needed to complete a week's rental inspection work. It assumes that a new full-time supervisor would primarily work on code violations and administration of the department.

With respect to the van program, TA Murphy proposed to institute a regular, twice yearly preventative maintenance schedule using a vendor that comes to the Public Works yard at a cost of \$700. He believes this is necessary to comply with the stringent new maintenance requirements for the call-a-bus. If the call-a-bus needs a major repair, more money will likely be needed in the *maintenance & repair* appropriation.

Mayor Calvo commented next year's budget essentially proposes an increase of \$2,500 or 4% in the code supervisor salary line, and an increase of \$5,000 or 21% in the part-time salary line. He asked Code Officer Hall how the department is working now, operating as it is without a full-time supervisor, and how the workload is divided. Mr. Hall said that the department is functioning well overall, but is lacking in the monitoring of clean lot violations. He is responsible for all rental inspections, commercial clean lot violations and building permit inspections. This work requires between 20 - 30 hours/week. Since TA Murphy has taken on supervision of the department, he has been able to perform

more thorough inspections because he has been given more time and new tools.

TA Murphy clarified that Mr. Hall is now in charge of the entire rental inspections process, including write-up of findings and any needed follow-up, whereas previously he handed off his findings to the code director, who made the decisions about follow-up. The code clerk, who works in the evenings, handles the correspondence and scheduling of inspections with rental owners. The second part-time officer is responsible for handling all clean lot violations as well as the needed follow-up. However, this occurs under his and Mr. Hall's supervision. Clean lot monitoring includes corresponding with home owners and property managers in accordance with a formal schedule of notifications and fines specified in the Clean Lot Ordinance. TA Murphy said he personally spends 2 hours per evening reading over outgoing correspondence, meeting with staff and revising procedures. A future code supervisor will assume the administrative oversight he is performing and any work that is currently performed on an ad-hoc basis, such as the issuing of building and dumpster permits and more thorough monitoring of clean lot violations.

Mayor Calvo thought the main question remaining is how to build on the new structure, while making sure that all work gets done. However, he does not support the proposed increase in part-time hours if a new full-time code supervisor is hired. Further, TA Murphy's budget is based on the salary for a grade 12 code director but he continues to favor hiring a grade 10 code supervisor, who spends more time in the field. This would leave more funding for part-timers.

CM Kulpa-Eddy asked if the budget includes enough money to purchase equipment TA Murphy specified in the code supervisor job description. TA Murphy said that some equipment he recommended has been purchased from this year's budget and that there is \$300 in the FY 2015 budget to purchase additional items. CM Kulpa-Eddy said she wants to make sure that the department does not rely on staff's personal resources to perform the job. A future code supervisor should have the right equipment for proper rental inspections as well as for monitoring clean lot violations. She suggested that part-time hours might be cut back if the future code supervisor backs up the code officers in the field. TA Murphy said he does not think the part-time officers' hours can be cut below 20/hours per week because a large part of his work takes place after hours and on weekends.

Mayor Calvo said that this issue could possibly be addressed by having the supervisor work different hours to include some evenings and weekends. The key is to find a staffing model in which the supervisor backs up the part-time officers by doing work in the field. Whatever the model, he does not think an 8% increase in the Code budget is warranted. Beyond the budget, the Council needs to agree on a job description for the supervisor so the hiring process can begin, preferably before TA Murphy leaves.

At 8:25 p.m., the Council took a 10-minute break.

**Public Works budget request:** Mayor Calvo welcomed Acting Director Lockley for a presentation of the Public Works budget request. Director Lockley highlighted key benchmarks of success, including: 1) continued reduction in refuse taken to the landfill by increasing recycling; 2) improved turn-around time on routine work and on service requests from residents; and 3) improved maintenance of infrastructure, including implementation of new methods for patching and striping of streets. The budget he is submitting requests the resources needed for continued progress in these areas.

Mr. Lockley explained that the Public Works crew last fall instituted a program of crack-sealing on priority streets. Since then considerable flaking of asphalt has occurred on the treated streets. According to the vendor, this is due to improper bonding of the asphalt to the street. He was advised this can be avoided by better sweeping or blasting the cracks prior to applying the asphalt. Public Works will attempt to remedy the problem during the next round of crack-sealing. Mr. Lockley also noted accomplishments outside Public Works' regular duties. These included installation of bollards at Indian Creek playground, improvement of 60th Avenue footpath, laying of a protective mesh at the parking area next to the T-ball field, installation of trash receptacles at bus stops and in the commercial district, conversion of the Media Center into a meeting room, and demolition of the old Pop's Park playground.

Mr. Lockley continued with an explanation of the main changes in the FY 2015 budget.

- +\$25,800 or 11% in *salary & wages* for the reinstatement of an 8th full-time employee. This is in part paid for by reducing funding for *temporary labor* and *part-time wages*.
- -\$17,800 in *temporary labor*
- -\$2,800 or 6% in *part-time wages*.
- +\$1,000 or 25% in *street repair materials*. This line item is over budget this year due to the crack-sealing project, where more expensive polyflex fill was used.
- +\$3,500 in *capital outlays > 500* to pay for bike racks at Berwyn Heights Elementary School (BHES) and at Town parks and playgrounds.
- + \$1,000 or 13% in *uniforms* to pay for the biennial refurbishment of employee uniforms, including steel-toed boots and better rain gear.
- +\$400 or 67% in *dues & conventions* to pay for attendance of the MML conference.
- +\$500 or 14% in communications to switch to Verizon wireless cell phone service and to repair and upgrade radios. Verizon will provide better call quality and priority service in an emergency. The increase is paid for with a reduction in the office supplies appropriation.
- +500 or 50% in *miscellaneous* expenditures, to pay for the employee recognition program and sleeping over during snow storms and other emergencies.
- +500 in *books & periodicals* to cover purchase of repair manuals and OSHA brochures
- +\$1,800 in *special events* to cover expenses related to Town events such as new canopies and grills.
- -\$14,000 in *maintenance & repairs*. Some savings were obtained from performing maintenance in-house.
- +\$14,000 in *preventative maintenance*. Per Council request, preventative maintenance was split off from *maintenance & repairs* to be tracked separately.

Mayor Calvo commented that the headline for next year's budget is the addition of one full-time Public Works employee at 40 hours/week. This is largely paid for by eliminating funding for temporary labor and reducing funding for part-time wages. He asked what the cost of the part-time clerk is. TA Murphy said there is a cushion of \$7,000 in the *part-time wages* line, which covers the clerk as well as additional hours for part-timers during leaf season. When all shifting of funds is taken into account, there remains a marginal increase of approximately \$9,000 in salaries and wages.

In response to MPT Wilkinson, Mr. Lockley said the thermo-plastic crosswalk material is budgeted in the *street repair materials* appropriation, which also covers the poly-flex crack sealant. He has not budgeted for the crosswalk material in FY 2015 because enough has been purchased to complete the next round of striping. Further, no *temporary labor* funds have been budgeted because additional man-hours can be obtained by extending the hours of the two part-timers. The new part-time employee

Public Works plans to hire is budgeted for 20 hours/week to start with. There is a cushion in the part-time labor appropriation if more hours are needed. The new employee will serve primarily as an administrative assistant and will have more computer skills.

In response to other questions, Mr. Lockley said that there are several line items where the the FY 2015 request is lower than the FY 2014 estimated amounts. This is because he makes a lot of one-time purchases that will not recur. For example, there is an overrun in *capital outlays* > 500, which paid for the renovation of the Public Works offices. Further, he does not think that hiring an administrative assistant will necessitate an increased use in *overtime* or *temporary labor*. He will still have the same employees who want to work more hours. Overtime is paid only during snow storms, electronic recycling and Berwyn Heights Day, and that is budgeted. There is no increase in the *tree care* appropriation because tree trimming is performed once a year when he rents an aerial lift for a week. An increase of \$200 in the *mosquito control* appropriation is triggered by an increase in the mosquito control contribution mandated by the State of Maryland.

Mayor Calvo thanked Mr. Lockley for a thoughtful budget request.

TA Murphy provided a budget detail on Police Department salaries. He noted the different funding mechanisms for the 8th officer in Chief Antolik's request and his proposed budget. In each case, 10 hours/week are funded from the speed camera reserve and 30 hours/week from the general fund. However, he proposes to offset part of the cost with a reduction in the *overtime* appropriation, lowering overall salary costs by \$8,000.

***Community Center use agreement renewal:*** TA Murphy explained that the agreement between the Town and the Maryland National Capital Park & Planning Commission (M-NCPPC), which owns and runs the Berwyn Heights Community Center, is up for renewal. The 5-year agreement provides for the Men's League's use of the gymnasium under specified terms and conditions, including fixed days and times. The Men's League has reviewed the agreement and it is ready for adoption at the next Town meeting.

***Unified organizational structure:*** Mayor Calvo said that he would like to continue the conversation about a unified organizational structure for the Town government to work toward an agreed upon framework. For him, implementing a unified organizational structure is the most important of three related issues. It means that the Town Administrator (TA) would be elevated to a Chief Administrative Officer (CAO), who is responsible for supervising daily operations of the Town government across all departments. But Councilmembers would remain responsible for making policy decisions for their departments. The second issue is whether to subordinate the Code Compliance Department to the Administration Department for administrative purposes. He is in favor of doing this because he believes there are efficiencies to be gained, as indicated by the existence of similar arrangement under previous Councils. The third issue, the creation of an assistant TA position, who would supervise the Code Department part time, he will no longer pursue, although he continues to believe it would be beneficial. This should clear the way for hiring a full-time code supervisor, preferably while TA Murphy is still working for the Town and can instruct that person on the code enforcement systems he has put in place. He would like the future code supervisor to be a "working supervisor", who performs some of the clean lot and rental inspections. Meanwhile, the Council should work on fleshing out the organizational structure by drafting a council rule defining the role of the TA.

MPT Wilkinson said the unified organizational structure makes sense to him. He thinks the Code and Public Works Department have benefited from having been more closely supervised by TA Murphy in recent months. The TA should be given formal authority to guide the departments' daily operations, with department directors reporting directly to him. Councilmembers have not always been able to monitor the internal workings of their departments and this has led to problems. Second, and more importantly, he believes creating a TA with formal authority to manage the other departments would help attract better qualified applicants. Lastly, the Council needs to give thought to defining the line between policy matters that will be decided by Councilmembers, and operational matters that will be decided by the TA.

CM Dennison said she would like the residents to have a say in the matter. The Council agreed to hold a public hearing at the April Town meeting. The subject of the hearing will be a council rule outlining the powers and responsibilities of the TA. Adoption of the council rule might take place in May when the Council has taken public input into consideration.

CM Kulpa-Eddy said she agrees with holding a public hearing. There may be residents who can lend a historical perspective to the discussion and help explain how and why the Town government evolved to its current structure. She also supports the concept of a unified organizational structure and to initially subordinate the Code Department to supervision by the TA. When a code supervisor has gained experience in leading the department the position might be upgraded to a director. Further, she plans to contact MML and seek advice on whether the Town charter mandates a process for changing the governmental structure.

CM Almoguera said that she too agrees with holding a public hearing. But she wants to be careful on how a council rule is worded so that it does not look like a radical change. People who do not closely follow Town affairs may not understand that the proposed change implements what is already taking place on the ground.

Mayor Calvo said, if the Council agrees on the concept of creating a more unified organizational structure and the process of implementing it, he would suggest moving forward with hiring a code supervisor. He asked for a motion to 1) work toward implementing a unified organizational structure in accordance with process outlined above; 2) bring the Code Department under Administration for a period of time until a code supervisor has gained enough experience to lead the department; and 3) to authorize TA Murphy to hire a search firm to look for a code supervisor. MPT Wilkinson so moved. CM Dennison seconded. The motion passed 4-0-1, with CM Dennison abstaining.

TA Murphy said that he would use the Novak Group, with which he already initiated negotiations about the price of the search. There were no objections.

The meeting was adjourned at 10:22 p.m.

Signed: *Kerstin Harper, Town Clerk*