



# Town of Berwyn Heights

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

## Minutes Worksession January 27, 2014

The meeting was called to order at 7:04 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, Green Team representatives Trinity Tomsic and Tim Lewis, and citizens.

### 1. Mayor

**Announcements:** Prince George's County will hold budget hearings on January 28, February 4 and February 12.

**Calendar:** The date for the Student Mock Town Council meeting is confirmed for April 7. The Recreation Council will host a new game night event on March 8, 6 p.m.

**Minutes:** On a motion by CM Kulpa-Eddy and second by CM Dennison, the January 13 worksession minutes were approved 5 to 0.

**Department Reports:** Mayor Calvo reported that he has not yet spoken with Adam Ortiz, Director of the Department of Environmental Resources (DER), about the priority 1 sidewalks stormwater mitigation project at the Public Works yard because the matter falls under the jurisdiction of the Department of Permitting, Inspection and Enforcement (DPIE). However, he will raise it with County Executive Baker, whom he will meet within the next couple of weeks. A stormwater mitigation project for the Safe Routes to School sidewalk project on 63rd Avenue will probably not be needed as the disturbed surface will remain under the 5,000 square feet threshold.

Mayor Calvo said that he had a follow-up conversation with James Hurley, President of the Berwyn Heights Volunteer Fire Department (BHVFD), and now has a better understanding of the Department's immediate needs. He encouraged the BHVFD board of directors to give the Council more details on their long term plans by March, so its request for financial support can be taken up during the budget discussions. At the last Prince George's County Municipal Association (PGCMA) meeting County fire chief Bashoor gave a presentation. He conceded that the last vendor the County used for ambulance billing did not correctly divide those revenues, and that the volunteer fire departments will be reimbursed for shortfalls. Chief Bashoor also gave an update on the new staffing system for career fire

fighters and provided a map of where they are stationed. It underscored the importance of volunteer fire fighters in northern Prince George's County. MPT Wilkinson added that the Washington Post on January 25 published an article on the tensions between volunteer and professional fire fighters in Prince George's County. The County hired 250 career fire fighters in the last 3 years, which pulls resources from the volunteer companies. Mayor Calvo also noted that the Governor's budget has a small increase in Highway User Revenues to municipalities. Berwyn Heights is slotted to receive \$59,000 in FY 2015.

CM Kulpa-Eddy reported that she attended the District 22 legislative Reception in Annapolis last week, which attracted a large number of delegates and candidates who will be running in the upcoming election. On the agenda for the 2014 legislative session are an increase in the minimum wage, expansion of pre-K education to 4 year olds, decriminalization of marijuana, facilitating restraining orders in domestic violence cases, and the FBI headquarters relocation. MPT Wilkinson said he had a long conversation with Aaron Marcavitch, Director of the Anacostia Trails Heritage Association (ATHA), about Maryland Heritage Area Authority (MHAA) grants for bicycle tourism, on which he will elaborate later. In Town news, the Public Works crew completed a round of pot hole repairs. CM Almoguera said that the Administration Department is busy with budget preparations. CM Dennison announced upcoming events.

***Citizen Comments:*** Mayor Calvo received several compliments on Public Works clearing the snow off the streets during the last snow storm, as well as comments on the inadequate snow removal at the X-Tra gas station and posting of a revised trash collection schedule following the snow storm. MPT Wilkinson also received comments on the snow clearing operations, and a suggestion to include all school approaches in the snow clearing plans. CM Almoguera received several questions on the purpose of the surveying taking place on 58th Avenue. Mayor Calvo said he also had a comment about that and suspects the surveyors are doing work for WSSC.

Mike Attick, 62nd Avenue, commented that the steps at the back of the school need better snow removal. This morning he has seen several children slip and fall on a big sheet of ice that has formed there. MPT Wilkinson said he will email Acting Director Lockley tonight so that this can be addressed tomorrow morning. Mr. Attick further asked what the status of the emergency generator project is. TA Murphy replied that he is waiting to receive the final cost estimates for the gas connection and Pepco electric tie-in before he can send the package to Prince George's County to get a permit.

Mr. Attick commented that the code supervisor job description discussed by the Council is probably too detailed, and makes it appear as if the candidate needs an MBA. He also thought that the BHVFD may not be equipped to haul water to the community garden cistern, and that the 8' tall fence proposed for the community garden is does not follow the same standards residents have to follow for erecting fences. He also wondered why the fence cost estimate for the community garden has increased. Mayor Calvo said that the community garden organizers have been told by the BHVFD that they can supply the water. The fence rules for private residences are County rules and allow for 4' fences in the front and for 6' fences in the rear with a permit. Fences surrounding gardens can be 8' tall. Mayor Calvo asked Mr. Attick to hold his questions about fence costs until after the Green Team has made their presentation.

***Community garden fence:*** Mayor Calvo welcomed Green Team members Trinity Tomsic and Tim Lewis to discuss community garden fence proposals. He noted that the Green Team presented the

Council with cost estimates for the entire project last fall, in which a fence was priced at \$4,250 contingent on installation by the Public Works Department. However, it has since been determined that Public Works cannot install the fence. The Green Team has therefore obtained new estimates from 3 different vendors that include installation.

Ms. Tomsic gave a brief update of the community garden project. She said that community garden planning committee has met on Sunday mornings to prepare for a spring opening of the gardens. Rules and regulations as well as a plot rental application have been drafted, and an outreach campaign to publicize the garden has been launched using Facebook, the Bulletin and community list server. In December, volunteers put down newspaper and mulch, which will be plowed under for spring planting. The Green Team also sponsored two well attended composting classes for residents.

Tim Lewis presented 3 proposals for installing an 8' fence of approximately 500 linear feet, with a walk-through 4' gate on the west end, and a 12' drive-through gate on the east end of the property. The vendors were each asked to provide options for either a) galvanized or b) vinyl covered chain link fencing, mounted on either a) steel posts or b) treated lumber posts. The garden planning team prefers treated lumber posts because they look nicer and are less expensive. However, they were advised by TA Murphy that steel posts are stronger and will last longer. Vendors were also asked to revise their estimates to include concrete footers and sturdier steel posts. Only one vendor, Long Fence, provided estimates for all options.

	<b>Galvanized on Steel Posts</b>	<b>Vinyl on Steel Posts</b>	<b>Vinyl on Treated</b>
Hercules Fence	–	\$10,463.00/12,763.00	–
Long Fence	\$8,995.00	\$9,395.00	\$7,995.00
Metropolitan Fence	–	\$7,775.00/\$8,175.00	\$8,175.00

Mr. Lewis requested the Council to review the options and make a decision as soon as possible so that the fence can be installed by March, and the garden can open for spring.

In response to questions, Mr. Lewis said that the fence will be set back from the street about 30' on the east and west ends, and about 6' from neighboring properties to leave room for people and deer to continue to cut through from 58th to 59th Avenue. Long Fence provided the less expensive bid for a vinyl on treated lumber fence, and Metropolitan Fence the less expensive bid for a vinyl on steel posts fence. However, Metropolitan's steel posts had a 2.5" diameter, as opposed to Long Fence's 3" diameter. TA Murphy added that he received a revised bid from Metropolitan Fence with 3" diameter posts for the same price, plus 4" diameter posts for the gates.

MPT Wilkinson expressed concern that there remain a viable connection for pedestrians between 58th and 59th Avenue that is not too steep or difficult to maneuver. Mr. Lewis and Ms. Tomsic replied that the garden team will work to maintain a good footpath for pedestrians between the garden and neighboring properties along the south side. They can be mulched together with the paths inside the garden to even out bumps and prevent mud. The northern side of the garden is not suitable for a pedestrian walkway because it is quite steep, but it can be used by deer when they travel to Indian

Creek. In response to other questions, Mr. Lewis said that the fence posts will be anchored in 3' deep concrete footers. The ground generally does not freeze to this depth.

In response to Mr. Attick, Mayor Calvo said the bottom line for the preferred chain link on steel post option is \$8,175. This is \$4,000 more than initially budgeted because it includes installation. Other start-up costs bring the total project budget to \$13,000. Mr. Lewis noted that the garden team has applied for several grants to help fund the garden, and will start to take in money from renting the garden plots when it opens. The cistern can probably be filled with a hose connected to a nearby fire hydrant and Public Works has a truck that could be used for delivering water, too. Volunteers will work to maintain the garden and to involve the community by outreach and setting aside a bed for educational purposes.

CM Almoquera moved and CM Dennison seconded to approve \$8,175 to fund a vinyl chain link fence on steel posts. CM Kulpa-Eddy said she had hoped that other options besides chain link fencing would have been explored. There are plastic mesh fences that are often used on deer pens. She also thinks there will be future maintenance expenses to the Town, but regards it as a worthwhile investment. In response to CM Dennison, Ms. Tomsic said receipts from renting plots would probably go into the Recreation Council budget. The motion passed 5 to 0.

At 8:17 p.m., the Council took a 10 minutes break.

**ATHA grants:** MPT Wilkinson explained that he spoke with Aaron Marcavitch, Executive Director of the Anacostia Trails Heritage Area (ATHA) about heritage area grant applications. He is interested in applying for a grant of up to \$50,000 to fund signage and demarcation of bicycle trails in the Town. Other items that can be funded with the grant include bicycle repair stations and bicycle racks. The grant requires a 50% match from the Town and must be geared to promote bicycle tourism. A letter of intent to apply for the grant is due on January 29 and should contain an approximate estimate of the amount of money needed.

MPT Wilkinson further noted that the Council also received a material and maps on the East Coast Greenway, a recreational trail that extends from Maine to Florida along the Eastern Seaboard. This trail comes through Berwyn Heights on Indian Creek trail and has funding for signage related to the trail. The map is a little confusing regarding the trail's approach to Greenbelt Road and continuation on Cherrywood Lane. TA Murphy said the East Coast Greenway map shows alternate routes to lead trail users to the intersection of Greenbelt Road and 60th Avenue, which has a traffic light, unlike the intersection at 57th Avenue, where the trail hits Greenbelt Road.

Mayor Calvo said he is pleased this trail comes through Berwyn Heights. However, the routing is awkward when it comes to crossing Greenbelt Road. But this is likely to change when the Greenbelt Station development opens, which includes trails along the connector road and a continuation of the Indian Creek trail. Mayor Calvo said he would also like to see a bike trail connection to Greenbelt Park. There appears to be heritage area grant money available for planning purposes, which might be used to plan bike routes through the Town, including routes to Greenbelt Park, historic markers and other worthwhile destinations. ATHA may be able to help with such planning.

MPT Wilkinson said he will speak with TA Murphy tomorrow to submit a letter of intent for a grant.

**MEA EmPower LMI communities grant:** Mayor Calvo explained that the Town has been informed by

the Green Team that energy assistance is available for 15 low and moderate income families in a community that participates in the Municipal Collaboration of Prince George's County cities and towns applying for a Maryland Energy Administration (MEA) Clean Energy Communities Grant or a Department of Housing and Community Development (DHCD) Community Legacy Grant. Berwyn Heights has been a signatory to the Municipal Collaboration in years past and helped obtain grants that helped fund solar roofs on municipal buildings among other projects. To qualify for low income energy assistance, the Town will have to adopt a resolution supporting the grant application. The Council agreed to place a resolution on the agenda for adoption at the February Town meeting.

***MML hotel (discussed out of order):*** The Council agreed to reserve 5 rooms at the Princess Bayside hotel for the Maryland Municipal League (MML) conference in June.

***FY 2015 budget goals and priorities:*** Mayor Calvo said, if there are no new budget priorities proposed apart from those already discussed, he would like to continue the conversation on adopting a more unified organizational structure. CM Kulpa-Eddy said she still has many questions about the structure Mayor Calvo proposed, and would like some examples of cities and towns where such a structure is in place. It seems to her, if the town administrator (TA) is put in charge of the other departments, the councilmember in charge of the Administration Department would be very important, while the other councilmembers/ department heads would be sidelined. She hopes that Mayor Calvo can more clearly define his vision of what the new structure would look like.

Mayor Calvo said he envisions a hybrid between a commissioner style and a council-manager style of government. The Council would continue to be the Chief Executive Officer (CEO) of the Town's government, with full policy making and personnel hiring/ firing authority over directors. The town administrator (TA), however, would become a Chief Administrative Officer (CAO), who is in charge of day-to-day operations of the Town government. Currently, the Council is supposed to be the CEO and individually oversee the operations of their department. But councilmembers are part-time and paid a modest stipend. Their ability to manage the departments on a daily basis is limited, and varies widely in terms of involvement. Therefore, he advocates that the TA assume managerial oversight over the entire Town government.

Mayor Calvo said, as an example, he generally does not get involved in such operational matters as whether a ticket should be issued. But he does give direction when a budgetary or personnel matter needs to be decided, such as whether to purchase Tasers or promote an officer. CM Kulpa-Eddy said she thinks the demarcation line is between a policy and an operational matter is not always clear. Mayor Calvo replied that an operational matter mostly relates to an individual case whereas a policy applies more broadly.

CM Kulpa-Eddy said she can see conflicts arising from different interpretations of whether something is a policy or an operational matter. For example, the purchase of new equipment, according to Mayor Calvo's definition, could be a budget matter and would require a policy decision by a councilmember. However, the TA may see it as an operational decision, because money was not specifically appropriated for the item. Mayor Calvo clarified that purchases of large capital items, e.g. equipment costing more than \$3,000, usually require Council approval, whereas equipment below that threshold are at the department's discretion.

CM Kulpa-Eddy said that a department director, who disagrees with the TA about a purchase or another

matter, under the new organizational structure, could have to bypass the TA to get Council approval. Therefore it is paramount that the personnel manual clearly describes the process by which a TA's decision can be appealed, and protects the employee from suffering negative consequences, for example, in a performance evaluation. Mayor Calvo said that important personnel decisions would continue to be made by the Council. However, he would like the TA to be in charge of the evaluations process, including writing evaluations for the directors, to ensure consistency across departments. The Council would review all evaluations and evaluate the TA's performance. In general, a more unified command structure would result in more consistency in how departments are run and prevent tasks from falling through the cracks.

CM Kulpa-Eddy said that she has experienced many reorganizations. They often result from some unforeseen consequences of the previous reorganization. There are advantages to both the unified and the decentralized structure. For example, turn-around time is usually shorter in a decentralized structure. The key, she believes, is having the right people in the right positions. Further, with a new TA coming on board, this may not be the best time to make such a big change. Mayor Calvo thought that, on the contrary, the hiring of new directors provides a great opportunity to make the change. He regards implementing a more unified organizational structure as the most important thing the Council could do in his tenure as Mayor. Someone needs to be in charge during the day, when councilmembers are not able to be here and supervise their departments. Otherwise, tasks do not get done because of communication breakdowns, and treatment of employees may be capricious. However, councilmembers would still be assigned departments and remain policy leaders. They would also bring issues, on which the TA and the department leaders disagree, to the Council and, as members of the Council, they would continue to resolve conflicts.

Mr. Attick commented he thinks that the TA is already very busy and may be more so in the new structure. Further, communication breakdowns are likely to occur even in a unified structure, and neither councilmembers nor the TA will know everything that goes on in the departments. Mr. Attick also thought that department directors may not switch easily to reporting to a TA, who is new to the job and the Town.

In a straw poll about whether to support a more unified organizational structure, Mayor Calvo and CM Almoguera were in favor, whereas MPT Wilkinson, CM Dennison and CM Kulpa-Eddy were undecided, and would like more information.

The Council agreed next to review the Council Rules, which define the current organizational structure, flesh out the new responsibilities of the TA, directors and department heads, and try to more clearly distinguish policy from operational matters. Mayor Calvo was asked to provide an organization chart of the proposed structure to aid in the discussion.

Nothing was discussed under **2. Parks and Recreation, 3. Public Safety, 4. Public Works, and 6. Code Compliance.**

## **5. Administration**

*MML hotel (discussed under Mayor's agenda).*

## **7. Executive Session (9:40 p.m. - 11:06 p.m.)**

On a motion by MPT Wilkinson and second by CM Dennison, the Council went into executive session

to discuss a personnel matter. With matter discussed, MPT Wilkinson moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 11:07 p.m.

Signed: *Kerstin Harper, Town Clerk*