



# Town of Berwyn Heights

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## Minutes Worksession August 15, 2016

The meeting was called to order at 7:04 pm. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Maria Robles. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper, Green Team members Amanda Dewey and Anita Cardwell.

### 1. **Announcements**

The liquor license held by Siri's/ Chefs Secret Restaurant is scheduled to be transferred to Guss' World Famous Fried Chicken Restaurant.

### 2. **Minutes**

On a motion by CM Dennison and second by CM Robles the August 1 worksession minutes were adopted 5 to 0.

### 3. **Department Reports/ Citizen comments**

MPT Kulpa-Eddy reported that she met with TA Cowles to discuss the revised personnel manual, which is currently under review by senior staff. The proposed revised manual will be presented to the Council at the September 19 worksession.

CM Rasmussen reported that he received a complaint about a sign posted in the yard of a neighbor, which would seem to be covered by the right to free speech. The Town can attempt to mediate the dispute if the parties desire it, but there is nothing in the Town's ordinances to regulate this type of sign. An oil spill on a private property on Cunningham Drive was reported to the Maryland Department of the Environment (MDE) upon his request. MDE officials came out to investigate, confirmed that the ground is polluted and ordered a remediation plan. The Code Department will work with the owners, as this can be an expensive undertaking. He received a complaint about corn being grown in the front yard of a 57<sup>th</sup> Avenue property. This falls into the category of a homeowner's right to plant a garden.

CM Robles announced that she has to step down from the Council because a family matter requires her immediate attention and she cannot presently fulfill the commitments that come with service as a Councilmember. She is very dedicated to the Town and plans to run again in the future. CM Robles then reported that she has drafted a template for schools and educational organizations to use to apply for a grant from the Town. The Education Advisory Committee (EAC) will review the form at its next meeting, as it will likely serve as the body that will review future grant applications.

Letter to residents about tree removals: CM Robles reported that Pepco is currently seeking approval from the Town and Town residents to prune and remove public and private trees around the power lines. The Green Team drafted a letter informing Town residents of their right to decline proposed private tree removals by Pepco on their property. The Green Team requested the Council review the letter and approve it for publication, as well as advise on a method of distribution. TA Cowles said the letter could be inserted into the September Bulletin or printed on the back of a Town-wide mailer to publicize the information at no cost to the Green Team. In addition, the letter could be posted on the website and BHTV.

Mayor Jewitt offered several corrections: 1) include a reference to Berwyn Heights' Tree City USA status; 2) rephrase the sentence stating that the Town Council and Green Team believe Pepco to be "overly aggressive" in proposing tree removals; 3) reword the sentence stating that tree removals could cause "permanent damage" to the Town's tree canopy, as Pepco offers to replace any removed trees on a particular property or give a tree to the Town to plant elsewhere. MPT Kulpa-Eddy recommended the letter stress positive aspects of saving shade trees and make reference to higher property values and energy savings. In addition, she proposed including a diagram, provided to the Council in 2014, to show how Pepco's tree pruning around power lines might appear.

CM Rasmussen thanked the Green Team for drafting the letter, which should indicate authorship by the Green Team rather than the Town Council. To his mind, the main point of the letter is to inform residents that they are under no obligation to allow Pepco to prune or remove trees on their property. Secondly, the letter should highlight the benefits of an urban forest. Further, the Town might ask Pepco to make available its inventory of private trees to be removed, and to delay the process for removing trees on private property until homeowners have had a chance to act upon the information contained in the letter.

Amanda Dewey, Green Team Facilitator, said the Green Team discussed how best to distribute the letter and identified several options: 1) posting to the website; 2) colored insert in the Bulletin; and 3) delivery to every residents' mailbox by volunteers. As for the content, the Green Team will incorporate the corrections from the Council and list a number for Pepco's tree consultant as a contact.

#### 4. Action Items

**Pepco vegetation management permit:** TA Cowles explained that any utility must have a permit for undertaking work on Town property or in the Town right-of-way pursuant to Ordinance 118. In May 2016, Pepco applied for a permit to clear the space around its power lines, and submitted a list of trees to be pruned or removed. She, Public Works Director Stevie Cox and Interim Director Kenneth Hall inspected every tree included in Pepco's permit request. They compared their visual assessment of the marked trees and cross-referenced Pepco's recommendations with those of the Town's arborist. As a result, the Town concurs with 43 of Pepco's 64 proposed tree removals, provided to Council in a background document. In addition, the following conditions for approval of Pepco's vegetation management permit are proposed:

- Trees shall be replaced on a one (or more)-for-every one removed basis;
- Where private property owners do not wish to replant a tree, the tree shall go to the Town to be included in a tree replacement plan, so that there is no net loss of trees;
- Replanted trees shall be of a caliper of 2" or greater;
- Trees shall be pruned in a manner that does not leave a tree at risk of failure.

Director Cox added that, during the field trip, he noticed trees that were dead or dying but are not on Pepco's or SavATree's removal list. They should be removed as well.

CM Rasmussen thanked TA Cowles and the directors for their work in reviewing the proposed tree removals and coming up with an improved plan. He suggested refining the permit conditions such that:

- Replacement trees are of the same type as the removed trees (shade tree for shade tree);
- Replacement trees are cared for after they are planted so that they survive.

CM Rasmussen also asked if the Town can start over with Pepco regarding tree removals on private property. TA Cowles said this is a transaction between Pepco and the property owner for which the Town cannot require a second layer of approvals. CM Rasmussen suggested the Town ask Pepco to postpone the start date for their tree work until residents have received the letter discussed earlier. TA Cowles said that is a possibility, but the Town should notify Pepco by early September, so the Public Service Commission does not label the Town as uncooperative. It was agreed not to issue Pepco's permit until residents have had a chance to consider the new information in the letter and withdraw their consent for removing trees. Pepco's permit should be approved in early September, with tree work to begin on or after September 12.

The Town Council then discussed the disposition of individual trees on the pruning and removals list. No changes were made.

Mayor Jewitt moved, and MPT Kulpa-Eddy seconded to approve the tree removal and pruning plan as outlined in TA Cowles' memorandum, with the stipulation that Pepco not start its tree work until September 12. CM Rasmussen asked to amend the motion to include the condition that replacement trees be of the same kind as removed trees. Additionally, the Town will accept low growing trees to be planted in the same location where a tree was removed to clear power lines. MPT Kulpa-Eddy so moved, CM Robles seconded. The amendment passed 5 to 0. The main motion was approved 5 to 0.

***58<sup>th</sup> and 60<sup>th</sup> Avenue multi-use paths reconstruction:*** TA Cowles said that the Town received three bids for the reconstruction of the 58<sup>th</sup> and 60<sup>th</sup> Avenue paths and recommended accepting the lowest bids. NZI Corporation had the low bid of \$8,800 for the 58<sup>th</sup> Avenue path. Pronto Paving had the low bid of \$5,500 for the 60<sup>th</sup> Avenue path. This bid came in late, but would be \$7,000 cheaper than the next lowest bid. The funding would come from the street projects line item in the Public Works budget.

In response to Council's questions, TA Cowles and Director Cox explained that Pronto's bid was received late because it was sent to Interim Director Hall's email and was not noticed right away. Pronto's references were checked. Current customers confirmed that Pronto is a reliable contractor that stays within budget. Pronto Paving's bid is probably lower than the competitors because it is seeking to establish a relationship with a new client.

TA Cowles noted that she also looked into pervious paving and found that it would add 10% to 20% in construction cost, plus an additional cost for maintenance. MPT Kulpa-Eddy said that, although the additional hard surface added by these paths is relatively minor, pervious pavement would reduce the amount of stormwater runoff into Indian Creek, as it allows more water to be absorbed into the ground. Director Cox said that as part of the 58<sup>th</sup> Avenue project, rip rap and vegetation would be installed in the drainage ditch to slow runoff. Stormwater from the 60<sup>th</sup> Avenue path would run into a drain at the intersection at Quebec Street.

CM Rasmussen moved to accept the revised bids for the multi-use paths reconstruction as described in the background memorandum. CM Dennison seconded. The motion passed 5 to 0.

***Town Center rental extension requests:*** Mayor Jewitt said that the Town received two requests to extend the normal hours for renting the Town Center beyond the 10:00 p.m. deadline. As with the previous request that came before the Council, she opposes extending the hours because it is an imposition on the neighbors. The Hernandez extension request for Saturday, August 27 is 1:00 a.m., inclusive of cleanup. She thinks this is much too late. MPT Kulpa-Eddy and CM Robles agreed.

CM Rasmussen expressed concern about the timing of the Council's decision to deny the request, as the request was received on July 14 and the event is now only a couple of weeks away. MPT Kulpa-Eddy said that the BHPD has to review the request since alcohol is served; as this delay was caused by the Town, she is inclined to consider an extension for a minimum amount of time. CM Rasmussen also said the application form can be "gamed" because applicants can be on the premises early for setup but are not billed for it. TA Cowles said that her staff is looking into how party rentals are handled and billed in other communities as part of revising the application form.

CM Rasmussen noted that the extension request filed by the Elisandre family is 11:00 pm. Therefore, he recommends setting 11 p.m. as the closing time for both applicants, including the cleanup time. Music is to be turned off at 10:00 p.m. He moved to set the closing time for the Hernandez event at 11 p.m. CM Robles seconded. The motion passed 5 to 0. He moved to set the closing time for the Elisandre event at 11 p.m. CM Dennison seconded. The motion passed 5 to 0.

## **5. Discussion Items**

**Security cameras:** Mayor Jewitt said she learned from interviews with Town employees that they have concerns about security in the Town office and Senior Center. Office visitors have on occasion entered the employee area without permission and thefts have occurred in the Senior Center. She has consulted with Chief Antolik, and he has ordered a security survey to improve security around the Town Center. The cameras recommended as a result of the survey would cover all entrances of the Town office and the Senior Center, and monitor the Town office vestibule as well as the interior of the first and second floor of the Town Center. The cameras would record only video, not sound, with recordings having a retention period of 90 days.

MPT Kulpa-Eddy said she reviewed the survey and associated proposals, which were included in the agenda packet. She takes no issue with most of the security recommendations, but has a concern about installing security cameras. She said that cameras are not a security measure because they do not forestall unwanted or criminal activity. They only record it and perhaps allow for later investigation. Additionally, there would be operating costs to maintaining the cameras, besides the installation costs quoted. She also wondered if the cameras could be set up wirelessly rather than hardwired to avoid cutting into walls.

CM Rasmussen said he agrees that the times require tighter security, but action should be taken in the context of a broader security plan. This might include installation of a secure window at the service counter, as is used at the College Park City Hall, moving the Code Compliance office away from the front entrance and, in the long run, the possibility of replacing the building housing the administrative offices. However, broader security measures would cost much more money and would need to be appropriated in future budgets.

Mayor Jewitt said, in her mind, concerns of the employees, who spend most of the day in the office, carry a lot of weight. In her experience, cameras are an important part of the security picture and their benefits outweigh concerns about privacy of those being recorded. Combined with a buzz-in system, cameras allow an employee to decide whom to let in. MPT Kulpa-Eddy replied that she is not against improving security, but thinks cameras do not really provide it. For example, she thinks a glass divider at the service counter, a buzz-in system, moving the Code office, and installing better lighting around the Town Center, are good ideas.

CM Robles said this discussion has shown that there are a multitude of options for improving security. This will probably be the start of a longer process to develop a comprehensive security plan requiring funding decisions. She would support a buzz-in system and other steps mentioned here but does not know how important security cameras are in a larger scheme. Mayor Jewitt said, unlike adding a glass divider or buzz-in system, security cameras do not say “you are not welcome.” And they are already present in most public places and businesses.

The Council agreed that security in the Town office needs to be improved but requires a broader plan. Meanwhile, TA Cowles was asked to look into the cost of installing better outdoor lighting, a glass divider and other proposals discussed tonight.

At 8:55 p.m., the Council took a 5-minute break.

**Monthly department reports:** CM Rasmussen said that the Town Council undertook a comprehensive overhaul of monthly reports from department directors a couple of years ago and he would like to follow up on this for further improvements. The reports are a way for the Councilmembers to stay abreast of what happens in their departments, and how well routine activities are performed in relationship to overall goals and the budget so that they can make informed policy decisions. For example, the DPW report only states the raw total numbers of refuse collected in a given month, but lacks comparative information with previous months and years, and an indication of whether expenses track with budget projections.

Mayor Jewitt agreed with CM Rasmussen’s point that statistics should be presented in context, noting the Police Department report already conforms to this goal. She asked TA Cowles whether such information is being tracked by other departments and only needs to be incorporated in the reports. TA Cowles said for the most part this is available. She spoke with the new Public Works director about improving the DPW report and he plans to revise it to provide more context. As she understands it, the Council would like the department reports to provide a high-level policy perspective of a department’s activity, as opposed to a more detailed operational perspective that might be discussed internally.

The following suggestions for improvement were made: 1) in the Administration report, a column should be added to show anticipated revenue to be collected in a given year, including revenue that might be taken from surplus; 2) in the Code Compliance report, the monthly revenue collected should be shown in the context of revenue budgeted.; and 3) the Public Works report should add a section summarizing recent accomplishments and upcoming objectives in addition to contextual data.

**Ordinance 120 – Rental Housing:** CM Rasmussen said the Council made a review of the Rental Housing Ordinance one of this year’s priorities because it has not been revised since 2004 and needs updating. To start, the Council may want to ask why the Town has a Rental Housing Ordinance and what should be the standards for maintenance, health and safety required in rental units, in

conformance with State and County legislation. He asked Councilmembers to identify what top-level concerns should be addressed during the review process.

MPT Kulpa-Eddy said that short term rentals, such as those offered through the online website Airbnb.com, and the use of in-law suites (as proposed in the revised zoning regulations) should be considered. She further suggested checking with the Maryland Municipal League (MML) for advice and the availability of any model rental ordinances. Other suggestions included reviewing College Park's rental housing program, as they have a lot of experience with student rentals, and setting a timeframe for amending this Ordinance as part of a legislative calendar for this year.

**6. Town Council Schedule**

The Council reviewed the calendar for the upcoming months. No changes were made.

**7. Executive Session (9:25 p.m. – 9:43 p.m.)**

On a motion by CM Dennison and second by CM Robles the Council went into executive session to discuss two legal matters. On a motion by CM Dennison and second by CM Rasmussen, the Council ended the executive session.

The meeting was adjourned at 9:44 p.m.

Signed: *Kerstin Harper, Town Clerk*