



Town of Berwyn Heights

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MAYOR
Amanda M. Dewey

COUNCIL MEMBERS
Jodie A. Kulpa-Eddy (Mayor Pro Tem)
Christopher S. Brittan Powell
Jason W. Papanikolas
Ethan D. Sweep

Town Meeting Minutes September 15, 2021 | 7:00 p.m.

This meeting was held by videoconference due to the ongoing COVID-19 health emergency and will be broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents could comment by calling (443) 646-3529 or e-mailing Mayor Dewey at adewey@berwynheightsmd.gov.

Call to order

The meeting called to order at 7:00PM. Present were Mayor Amanda Dewey, Mayor Pro Tempore Jodie Kulpa-Eddy, Councilmember Chris Brittan-Powell, Councilmember Jason Papanikolas, Councilmember Ethan Sweep, and Town Manager Laura Allen. Also present were Town Clerk Melanie Friesen, Code Compliance Director Hollyce Goodwin, and Public Works Director Kenneth Hall. Additional attendees were translator Maria Fabara-Nunez for resident Juan Segovia Chicas and Luis Navarro for the driveway variance, as well as Debby Steele-Snyder and Susan Jones for committee reports. Dr. David Tilley from the University of Maryland joined for the Cool Green Living Canopies presentation.

Pledge of Allegiance

1. Announcements

Mayor Dewey reminded the community of the Indoor Mask mandate, which includes all Town buildings, when not actively eating and drinking. She also announced the new Public Works Director, Brad Pudner will be starting the next Monday. There were no other announcements.

2. Approval of Agenda

3. Public Hearing, Ordinance 119 Amendment (Traffic and Parking)

Mayor Dewey opened the hearing for public comment. Mayor Dewey summarized the proposed ordinance amendment, stating that this change would prohibit the blocking of intersections. TM Allen stated for the record that Council has received draft language at a couple of different meetings and Council provided feedback that was incorporated into the language for the amendment. Ordinance changes were properly introduced on the August 11, 2021 Town Meeting. The second hearing is in order to establish a fine that is associated with the proposed ordinance change.

Ms. Susan Jones asked what a resident would do if they were to witness blocking the intersection. Would they take a picture and send it to the police and the police would issue a ticket? TM Allen replied that citizen pictures are not enforceable by the police, but that residents could call and report it to the police. TM Allen continued that this will be implemented with a period of warnings from the police department before tickets will begin to be issued. Ms. Jones questioned the ability of the police to respond in time to a phone call from the public before the perpetrator

would be gone. Mayor Dewey likened this to stop sign enforcement and said that the police will not be able to stop everyone, but by establishing some enforcement compliance will improve. Ms. Jones noted that periodic enforcement of specific stop signs has increased compliance at that specific stop sign.

MPT Kulpa-Eddy moved to close the hearing. CM Sweep seconded. At that point, a phone comment from Mike Attick came in. Mr. Attick questioned if Berwyn Heights had jurisdiction over the intersection at Kenilworth and Edmonston. Mayor Dewey stated that this Ordinance would cover intersections in Berwyn Heights, not just the intersection of Pontiac and Edmonston/Kenilworth, but does not extend onto State roads.

With no further discussion, the motion to close the hearing passed unanimously.

4. Public Hearing-Resolution 8-2021, Establishing the Fine for Blocking an Intersection

Mayor Dewey opened the hearing on Resolution 8-2021 that establishes the fine that correlates with the Amended Ordinance 119.

CM Brittan-Powell requested that the fine structure be stated. Mayor Dewey stated that the fine would be \$75. Ms. Susan Jones commented that she felt that the fine was adequate.

MPT Kulpa-Eddy moved to close the hearing. CM Sweep seconded. After no discussion, the motion passed unanimously.

5. Driveway Variance

TM Allen introduced Director Goodwin to present on the driveway variance that is being requested, PG County Zoning Appeal V-27-21, at 5803 Seminole Street. Mr. Juan Chicas is the property owner and Mr. Vaquerano is the contractor. Mr. Chicas is requesting a variance to build a driveway that is in the front of his house instead of being offset as is required by County ordinance. The variance is needed because there is a utility pole blocking access on the right side of the property. Mr. Chicas is requesting permits to construct an apron, driveway, and walkway. . Previously, a driveway measuring approximately 10x24 ft existed on the left side of the property, abutting the driveway of 5805 Seminole St. There were conflicts between the neighboring properties regarding the parking area. That previous driveway has already been demolished and will be landscaped. To date, there is no feedback from neighboring property owners in opposition to this variance. Mayor Dewey asked Mr. Chicas if he had a comment. Mr. Chicas stated that the presentation by Director Goodwin was accurate. CM Brittan-Powell asked for confirmation of the existing and past structure. It was confirmed that the apron would be reconstructed to a solid curb and that the previous parking pad will be grass. The apron has not been demolished yet, as Mr. Chicas received a stop work order. MPT Kulpa-Eddy asked about the amount of impervious surface that is allowed in the yard. Mr. Navarro replied that the county requirement in R55 Zoning is that there be no more than 30% impervious surface and that the proposed project would result in about 27% of the surface being impervious. The plans were submitted to the county and were passed. MPT Kulpa-Eddy asked if water and sewer lines would be covered by the concrete pad and then be inaccessible if the Town needed to access the pipes in the right of way. Mr. Navarro replied that when you apply for an apron, you pay a bond that will only be refunded when you can show any underground infrastructure is not affected. CM Brittan-Powell suggested this might be a learning opportunity since other homes in Town have similarly-placed utility poles. CM Papanikolas stated other driveways of this type have been approved and constructed in Town and that the only condition the Town has required is some sort of barrier at the top of the driveway to create a break between the house and the driveway. CM Papanikolas moved that the driveway be approved with the condition that a barrier be constructed at the top of the driveway. CM Sweep asked to make a comment. Mayor Dewey stated that since there was a motion on the table it would be appropriate to see if there is a second and then for comments to be made during discussion. CM Sweep seconded the motion. CM Sweep asked for clarification that the driveway placement was a county requirement. Director Goodwin stated that was correct. CM Sweep

echoed CM Papanikolas that he would like a barrier constructed at the top of the driveway. CM Sweep expressed that he would like to confirm the tree that is planted where the new driveway will be installed is going to be relocated. Mr. Chicas confirmed that the tree will be replanted in the area where the old driveway was. CM Brittan-Powell asked for confirmation of the restoration of the curbing. MPT Kulpa-Eddy asked CM Papanikolas how many variances of this type had been approved previously. CM Papanikolas stated that he knew of 3 variances of this type and that those properties also were in need of variances because they exceeded the 30% of impervious land. MPT Kulpa-Eddy asked why the council had previously approved those variances. CM Papanikolas stated that to the best of his recollection it was due to congestion on the particular roads. CM Papanikolas stated in his mind this is a trade off since it is a replacement driveway. CM Brittan-Powell asked if permeable pavers had been considered. Mayor Dewey stated that permeable pavers can become impervious rather quickly without maintenance. Mr. Navarro asked about the process for obtaining the apron permit from the Town. Director Goodwin stated they should reach out to her about the process. After no more discussion, the motion passed unanimously.

6. Consent

CM Sweep moved to approve the consent agenda, MPT Kulpa-Eddy seconded. After no discussion, the motion passed unanimously.

Minutes

August 2, 2021

August 11, 2021

August 16, 2021

Department Reports

Administration/ Treasurer

Code Compliance

Police

Public Works

7. Mayor & Councilmember Reports

Mayor Dewey reminded everyone about the mask mandate once again. She also congratulated the students on a good first week of school. She encouraged adults to be careful while driving around schools. There are multiple community events coming up: the ice cream social, concert, and tree walk. She stated this is her second year on the MML Legislative committee and she attended the second meeting. At that meeting they identified Highway User Revenues as a legislative priority and climate change as a strategic initiative. Mayor Dewey and TM Allen have been making connections with the county for economic development, including ARPA spending. She has attended State level and National League of Cities briefings on the American Rescue Plan Act. The next PGCMA meeting is coming up. Thursday there is the first of two Route 1 Green team summits, the first is on pollinator initiatives which she will be attending, and the second is on stormwater management which will be attended by a Green Team representative. She will be testifying on expanding the County Raincheck Rebate Program. She also encouraged people to sign up for the e-newsletter that comes out twice a month in addition to the paper Bulletin.

MPT Kulpa-Eddy reported that the Maryland Citizens Redistricting Commission met on Sept 13-14. They have received their Census Data results and are looking at the impact of that data on district boundaries. During the current round of meetings, citizens can view and submit their own redistricting maps. The third round will occur in October. Learn more at [Redistricting.md.gov](https://www.Redistricting.md.gov). Redistricting is also happening at the Prince George's County level. The commission report has been posted online. None of the proposed plans affect Berwyn Heights directly. A public hearing

will be held on September 28 and should be available online. The Paint Branch Golf Course Community conversation is progressing, with an update from M-NCPPC that they are still looking to build a track and field facility with the University of Maryland at the Golf Complex, that could also be used by the community. They have onboarded a golf professional to enhance the golfing experience. The next meeting will be in late September or early October.

CM Papanikolas reported that there have been fewer issues with residents getting building and roll-off permits. Code Compliance is continuing Property Tax and Business License billing. The Code Compliance department report gives a good example of the progress on a property maintenance case on page 4.

CM Brittan-Powell reported that Administration staff have been coming to work regularly in spite of Covid and being as present as possible for residents. The team have been working smoothly. He reported there was a concern among residents that Berwyn Heights has been losing some of its character and seems dourer than it used to be; that people feel alienated from Town Government. *CM Sweep* reported that the big event for Public Works is the hiring of the new Director and that there is a lot of excitement around him getting started. Public Works two biggest successes of the last month are the filling of the sinkhole on Berwyn Road and the progress in fixing the sinkhole on Seminole St. Many thanks to Director Hall.

8. Committee Reports

Education Advisory Committee- MPT Kulpa-Eddy reported the next virtual meeting is Monday, September 27. The committee will be reviewing Education Grant Applications and discussing their mission statement, as well as reviewing the scenarios of the proposed school boundary changes. Contact thebheac@gmail.com for information on how to join the meeting.

Green Team- Mayor Dewey reported that the Tree Walk is coming up. They have been working on getting “block adopted, please don’t litter” signs to be placed around town. On November 6 at 10AM there will be a townwide clean-up and pumpkin smash. There are ongoing discussions about litter at Lake Artemesia. The Green Team will loan supplies to anyone who wants to do litter clean-up at the Lake while Parks and Planning works on solving the issue. They are also still looking for Bee City certification volunteers. The Pollinator Group will be setting up a Whatsapp group, contact the Green Team or Mayor Dewey via email. The next meeting will be October 14 at 7PM.

Historical Committee- Debby Steele Snyder reported that the next meeting of the committee will be on Sept 22nd at 7:30 PM. This will be the Committee Elections. They are working on an event called “Legends and Lore of Berwyn Heights” with MPT Kulpa-Eddy. It will be a walking tour that will cover about 1.5 miles. It is scheduled for October 24 at 4:30PM with a rain date of Nov. 7th. Please email Debby (email in the Bulletin) to indicate interest in the walking tour.

Neighborhood Watch/ Emergency Preparedness- Mayor Dewey reported that the last meeting was mainly reviewing police reports and brainstorming future events. The trailer cleanout is in the works and is weather dependent. The next meeting will be Wednesday, October 6 at 7PM and will be virtual.

Recreation Council- Susan Jones expressed excitement at the upcoming concert Saturday, September 18 from 1-3 pm at Lake Artemesia. Bring something to sit on. In case of rain, the concert will be at the Community Center. On September 23, there will be an ice cream social outside with prepackaged ice cream treats, which will also be held in the Community Center in case of rain. In October, there will be a Trunk-or- Treat event in the lower parking lot of the Community Center. Decorated cars will give out candy and there will be a costume contest for kids under 12 and a category for groups/families. It will be October 23rd from 6:30-8:00 pm. Let the Rec Council know if you are interested in decorating a car and giving away treats. Rain date will be October 30th. Email Ms. Jones if you have ideas for events (email is in the Bulletin). Next meeting will be the first Tuesday of the month.

9. New Business

A. Cool Green Living Canopies Bus Stops/ Dr. David Tilley

Dr. Tilley from the University of Maryland shared a presentation on “Cool Green Bus Stops”, which are sustainable shaded bus stops using living canopies. Dr. Tilley is seeking a letter of support to obtain a grant from Exelon Investment Initiative. Dr. Tilley showed his living umbrellas which would be the basis for the bus stops. The soil container is on the top of the canopy that allows for far more rapid growth to cover the canopy. The canopy would recycle rainwater, in which the bench in the bus stop would function as the cistern that would irrigate the plants. The water would be cycled up when sensors show that the soil is dry using solar powered pumps. Canopies reduce urban heat, and there’s a little bit of stormwater management as well as carbon capture. This would be a three-year project, during which Dr. Tilley’s company would manage the maintenance with a modest amount of matching funds from the Town, which would probably host 2-3 bus stops. MPT Kulpa-Eddy asked what kind of matching fund the Town would need to invest. Dr. Tilley replied that he believes the cost will be between \$500-1000 per stop/per year of the project depending on the size of the shelter that is installed. After the project’s conclusion, the Town could either be trained to take over the maintenance or a service contract with the company could be signed. MPT Kulpa-Eddy asked about seasonality of the canopy. Dr. Tilley recommended that the canopies be planted with vine varieties that are perennial and evergreen. CM Sweep asked about the capacity of the bench cisterns. Dr. Tilley replied that the small benches hold about 100 gallons with the large benches being around 500 gallons. CM Sweep asked about the size of the planting area, the soil that would be used and what would happen in the event of oversaturation. Dr. Tilley replied that the planting area is about 2.5 feet wide and would come in lengths of 2, 4, and 8 feet and would use engineered soil from expanded shale. The soil would have a drainage system, using the post as a conduit to the cistern. CM Sweep asked about sudden rain events that produce a lot of rain in a short period of time. Dr. Tilley stated that capture is based on standard models of rainfall. CM Sweep stated scientific models are showing we are getting wetter rather than dryer in terms of rainfall. CM Sweep also asked what would happen if the plants are dry and the cisterns are empty. Dr. Tilley replied that this would be monitored in the maintenance. CM Sweep asked if the plants being used would/could be attractive to pollinators. CM Sweep expressed concern about the sound of the pumps used for irrigation. Dr. Tilley stated that the pumps are quiet. Mayor Dewey reiterated that the Town is not making a commitment to the project, but rather to offer a letter of support in the grant process. CM Sweep asked if in the future the Town would be asked to provide “customer updates” for the grant. Dr. Tilley expressed that they would be welcome. Mayor Dewey asked if there were any other questions. With no more discussion, CM Sweep moved to approve signing the letter of support. MPT Kulpa-Eddy seconded the motion. After no discussion, the motion passed unanimously.

B. Town Center Roof Replacement Contract Authorization

Mayor Dewey reminded the Council that the Town received Bond Bill funding from the State for the Town Center building. This type of Bond functions essentially as a grant from the State. TM Allen reported that she and Public Works Director Hall sent the roof replacement project out for bid and three bids were received. Mr. Hall recommended that the Town go with RoofWorks. RoofWorks was not the cheapest bid, but was close, and Mr. Hall was impressed with the completeness of the proposal.

Related, the Town has been trying to receive funding from the State of Maryland for elevator replacement. The funding from the State bond bill amounted to \$205,000 total. TM Allen proposed that \$28,310 of that funding go to replace the roof, leaving the balance for the elevator.

The Town also received 3 bids for elevator replacement. With Mr. Hall, TM Allen recommends the Council authorize her to sign a contract with Delaware Elevator for an amount not to exceed \$174,888. If the Council approves authorizing TM Allen to sign the contracts, they will work quickly to implement the projects, but due to supply chain constraints, there may be delays. Mayor Dewey opened the floor for discussion. MPT Kulpa-Eddy asked if there were any sections of the roof that could be considered “flat” as she had always heard that the roof was flat. Director Hall stated that no, the roof is not a flat roof. She followed up with a question on the elevator confirming that all proposals address both the inner door of elevator and the hallway/alcove doors. Director Hall stated that all doors associated with the elevator will be replaced. CM Papanikolas asked if there might be additional costs when the contract says “cap flooring will be done by others”. Director Hall clarified that the cost is included but that Delaware Elevator will be hiring a subcontractor for that portion of the work. Mayor Dewey asked about timing and Director Hall stated the roof will be done rather quickly and the elevator will take 5-10 weeks. Mayor Dewey asked if the roof would be able to support solar panels. Director Hall stated it would be able to support solar panels. Mayor Dewey asked for a motion to authorize TM Allen to sign the roof contract with RoofWorks. MPT Kulpa-Eddy made the motion, with CM Sweep seconding. After no discussion, the motion passed unanimously.

C. Town Center Elevator Replacement Contract Authorization

Mayor Dewey asked for a motion to authorize TM Allen to sign the elevator replacement contract with Delaware Elevator. CM Sweep made the motion, MPT Kulpa-Eddy seconds. After no discussion the motion passed unanimously.

10. Old Business

A. Don’t Block the Intersection (Ord. 119 Amendment) Approval

Mayor Dewey reviewed that the Council has already seen the staff report. She requested that the Council go straight to motions and then do discussion after the motion was on the table. TM Allen reminded Council that ordinances are required to go through a first and second reader and then have a 20 day waiting period before they go into effect, therefore the execution date on the Resolution has been tied to the date that Ordinance 119 would become effective. CM Sweep moved to amend Ordinance 119. MPT Kulpa-Eddy seconded. MPT Kulpa-Eddy had a question about a specific intersection. TM Allen replied that she has not reviewed that specific intersection with the Police Chief, but that all intersections in the Town are affected by this Ordinance change. MPT Kulpa-Eddy asked if the “don’t block the driveway” sign that was previously at this intersection could be brought back. TM Allen said she would look into it. CM Brittan-Powell stated that he is in support of this ordinance, but expressed concern it would be difficult to implement and asked that the Town move forward cautiously. CM Papanikolas stated the last time there was a change that involved the Police, the Police gave warnings for 30 days before issuing fines. Mayor Dewey expressed the Chief has stated this will be the plan again. After no further discussion, the motion passed unanimously.

B. Don’t Block the Intersection Fine (Resolution 8-2021) Approval

CM Papanikolas moved to approve Resolution 8-2021. CM Sweep seconded. In discussion, CM Brittan-Powell asked if the fines would be implemented on a scale based on time that the resolution was in effect (40% of the full fine on week one, and then up to 100%). TM Allen replied that the full fine would be in effect from the first day and that Chief Antolik has stated there would be a period of at least two weeks, perhaps up to 6 weeks, during which police will issue warnings before issuing fines. CM Brittan-Powell asked for consideration of implementing the fine progressively. CM Papanikolas stated he would want feedback from the Chief before Council taking that action. Mayor Dewey expressed that she believes this could be confusing to the community on why the fines were changing. CM Papanikolas asked if CM Brittan-Powell would feel better if there were a written implementation plan from the

Chief by the next worksession. CM Brittan-Powell replied he is concerned that after hearing from residents that there's frustration with the Town that this makes him wary. Mayor Dewey asked if Chief Antolik could send a written implementation plan. CM Sweep asked for clarification on how long the warning period will be in the report from Chief. He also agreed with Mayor Dewey that gradual implantation could be confusing. CM Brittan-Powell then asked if the fines could be implemented gradually based on how many violations they have. CM Sweep stated that he believes the plan to begin with warnings, and then move to issuing fines is the best plan. CM Brittan-Powell stated that the Council should be prepared for a lot of unhappy people. MPT Kulpa-Eddy stated that she believes residents are in favor of traffic enforcement. After CM Brittan-Powell expressed concern that this is a machine issuing tickets, Mayor Dewey addressed the confusion that this is not related to the proposed red-light cameras, but only the "Don't Block the Intersection" changes. After no further discussion, the motion passed unanimously.

C. Countywide Zoning Map Amendment Public Comment Discussion

MPT Kulpa-Eddy reviewed the Countywide Zoning Map Amendment and the 4 properties on the northside of Branchville Road that will be affected when they are rezoned to Residential/Multifamily (zone RMF 48); however, all legal uses in effect at the time of the zoning change will be grandfathered in. She stated that other than the representative from the concrete laboratory, the Town has not heard anything from any of the other property owners. She reviewed some of the uses that could be implemented with the new zoning. She also stated if Berwyn Heights were to gain residents north of Greenbelt Road, they would be located in another County Council district and could increase representation from Berwyn Heights on the County Council. She reviewed that Greenbelt had commented to the County that they did not believe the RMF48 zone to be the correct zone for this area, but did not suggest another zoning that would be appropriate. She asked for discussion among the Council whether Berwyn Heights should submit a public comment, as there doesn't appear to be a need to do so. CM Papanikolas stated that he believed that the Council should submit a letter either in support or in opposition, but if there is opposition, that the letter needs to be specific and state what type of zoning the Council believes to be appropriate. Mayor Dewey stated that her opinion is that since this has been going on so long the affected property owners have had a very long time to speak out, and since they have not heard any opposition to the proposed zoning even with the Town's recent attempts to reach out to the property owners, she doesn't see a clear need to write a letter. CM Sweep expressed that he is in agreement with Mayor Dewey and that he finds the idea of multifamily housing across the street to be appealing. CM Papanikolas wondered if a letter of support would be needed to counteract Greenbelt's opposition. Mayor Dewey stated that her understanding from the last meeting with M-NCPPC on this topic was that since Greenbelt didn't specify another zone designation that they felt was appropriate, that no other zone would be considered by the County. MPT Kulpa-Eddy asked if TM Allen could give any insight into what might happen with property tax revenues. TM Allen replied that multifamily rental units are assessed on the value of the income that they generate rather than the value of the land and any improvements on the land. She stated that usually when property owners seek reassessment, it is to lower taxes and that generally the State approves the reassessments. She further added that stand-alone commercial buildings are assessed on the value of the land and value of the property. She stated without knowing what the new development would be, it's difficult to be able to determine what effect it might have on projected revenues. CM Brittan-Powell expressed his thanks to MPT Kulpa-Eddy for her work on this. Mayor Dewey echoed CM Brittan-Powell's thanks. The Council agreed that no letter was required and no action would be taken.

11. Resident & Community Comments

Mike Attick called and thanked CM Papanikolas for taking care of a code problem. He asked for clarification on the price of the intersection violation ticket, which is \$75. He asked if personal vehicles were allowed to park in the Town Hall parking lot. CM Papanikolas stated that he understands that residents are using this parking lot as personal overflow parking. TM Allen stated that it is her understanding this has long been allowed. Mr. Attick stated that employees weren't even allowed to park their cars over the weekend at Town Hall in years past and that residents shouldn't be using the parking lot as overflow. Mayor Dewey stated that in years past when events were happening in the parking lot, it had become a problem when activities were taking place around vehicles that were left and couldn't be moved. She stated that when events begin to happen in the parking lot again, there would be signage to indicate vehicles would not be able to be kept there. Mayor Dewey stated that there are currently no restrictions on parking in the parking lot and that if operationally there needed to be restrictions, they would be implemented at that time. Mr. Attick stated that it is private property and that signs aren't required. CM Papanikolas stated that the Town is public property. CM Brittan-Powell stated that some residents park in the Town Hall parking lot because of a lack of street parking at their residences. Mr. Attick asked about the driveway variance and if anyone from the Town had inquired who pulled the permits for the variance. Mr. Attick asked for more clarification on the variance and expressed frustration with the Council over the variance. Mr. Attick questioned who was responsible for choosing the vendor for the new roof at the Town Center and asked about the warranty on the roof. Mayor Dewey stated the Town is required to follow a specific process for projects and purchases like this. Mr. Attick stated that the process should include residents of the Town.

Adjournment

CM Papanikolas moved to adjourn the meeting. CM Sweep seconded. After no discussion, the motion passed unanimously. The meeting adjourned at 9:46PM.